

**Investigative Documentary as Critique?
Understanding the Role of Narrative in the CBC Fifth Estate
Documentaries on the Ashley Smith Case.**

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Abstract

Feminist criminologists have long critiqued the mistreatment of women prisoners and have attempted to draw public attention to issues of injustice in the hopes of bringing about reform. Despite serious limitations to transparency, incidents such as Ashley Smith's punitive (mis)treatment while incarcerated and her death in custody, which point to the continued abuse of criminalized women, provide a potential opportunity for turning the public gaze toward issues of unjust carceral practices. As such, the *CBC Fifth Estate* documentaries on the case of Ashley Smith (*Behind the Wall*, 2010; *Out of Control*, 2010), which strongly condemn her treatment by the Correctional Service of Canada, would seem to align with the efforts of feminist criminologists and prisoner's rights activists.

This thesis provides a detailed examination of the two *Fifth Estate* documentaries using an analytic approach adapted from narrative analysis. In particular, this project considers how different voices and pieces of evidence are brought together to construct coherent documentary narratives and contextualizes these narratives within broader feminist criminological discourse. This project develops the concepts of 'internal' and 'external' coherence in the specific context of the documentary narrative in order to facilitate consideration of how attempts to achieve and maintain coherence influence the way that the Smith case is presented and critiqued in the documentaries. Drawing on Foucault's (1976) discussion of subjugated knowledge, this project explores how the process of creating a coherent narrative facilitates, and perhaps even necessitates, the subjugation of controversial knowledge. By juxtaposing the arguments in *Out of Control* (2010) and *Behind the Wall* (2010) against those of feminist criminology, the findings reveal how attempts to formulate a critique of the Correctional Service of Canada that appeals to a national audience subjugates feminist critique.

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Introduction

In a recent documentary produced to celebrate their 40th anniversary, the CBC's *Fifth Estate* "turn[ed] the camera on [them]selves" to reveal how the stories "that left deep impressions and more than a few scars" (Bob McKeown) were investigated and produced as documentaries. In this documentary, entitled *Secrets of the Fifth Estate* (2015), producers, hosts, and members of the film crew discuss their experiences researching some of their most controversial and ground-breaking stories, such as uncovering political scandal with former Prime Minister Brian Mulroney¹, filming in a NATO military trauma hospital in Kandahar², and exposing wrongful convictions in Canada³. Not only do they describe the process of selecting and researching stories, interviewing key witnesses, and making production decisions, but they also discuss being threatened with lawsuits, being in life-threatening situations and having to "jump" (i.e. ambush) key witnesses in attempts to secure interviews. In addition, this 'behind the scenes' film explicitly states the *Fifth Estate*'s purpose in producing investigative documentaries; Harvey Cashore, a senior producer with CBC's *Fifth Estate*, states:

What governs us [the *Fifth Estate*] is the desire to expose injustice, expose abuse of power, but most importantly find out facts that no one knows, that are in the public interest and tell the public. And that's what we do, and that's what we think about every day when we come to work. (*Secrets of the Fifth Estate*, 2015)

Interviewees in *Secrets of the Fifth Estate* (2015) also claim that exposing injustice can have "a big impact on the world" (Marie Caloz, former senior producer). Exposing injustice is a central discussion in *Out of Control* (2010) and *Behind the Wall* (2010).

¹ Brian Mulroney: *The Unauthorized Chapter* (Fifth Estate, 2007).

² *Life and Death in Kandahar* (Fifth Estate, 2008).

³ Steven Truscott: *His Word Against History* (Fifth Estate, 2000).

Out of Control (2010) and *Behind the Wall* (2010) tell the story of Ashley Smith's conflict with the law, her experiences of mistreatment while incarcerated, and her eventual death in custody. After having appeared several times before juvenile court for minor offences (e.g. trespassing), Smith was initially incarcerated at the New Brunswick Youth Centre in 2003 at the age of 15 for throwing crab apples at a postal worker. At the New Brunswick Youth Centre, Smith received 50 additional criminal charges, most of which involved her responding violently (e.g. biting, kicking, spitting, etc.) to guards and to attempts to restrain her when she was self-injuring (Sapers 2008). During this time, she was also isolated for long periods of time in the 'Therapeutic Quiet Unit' (i.e. segregation) (Sapers 2008). On October 31, 2006, Smith was transferred out of the youth custodial services and into a federal women's penitentiary – Nova Institution for Women. While in the adult correctional system, she was transferred 17 times in 11 months, held in segregation cells for months on end and subjected to physical punishment and restraints, such as tasering, drugging, gassing, and pepper spray. Smith continued to self-injure (e.g. cutting and choking) throughout her incarceration and the only correctional response to this behaviour was the use of segregation and physical and chemical restraints.

On October 19, 2007, Smith tied a ligature around her neck and laid face down on the floor between her bed and the wall. Under orders from management not to intervene until Smith had passed out, correctional staff failed to respond to the medical emergency, resulting in her death. A coroner's inquiry officially ruled the death a homicide (Carlisle 2013) and the federal Correctional Investigator argued that her death was "preventable"; both identify that there were "widespread breakdowns" surrounding the policies and procedures for transfer, segregation, health care, use of force, mental health care, and the grievance process (Sapers 2008: para. 117).

The Smith case received a large amount of media and public attention; for example, a general search for the keyword “Ashley Smith” on the *Toronto Star* website returns 281 results dating back to November 1, 2007. Following Smith’s death, images and video evidence of her mistreatment were made public and the *Fifth Estate* released two investigative documentaries on the case, one in January 2010 and the other in November 2010. The first, *Out of Control*, describes the details of the Smith case and explains how her life was “taken from her”. The second, *Behind the Wall*, builds on the first documentary by adding more detail and discussion about Smith’s mistreatment and using the facts of the Smith case to discuss how prisoners with mental illnesses more broadly are (mis)treated in Canadian prisons.

In *Secrets of the Fifth Estate* (2015), Daniel Henry, a lawyer for CBC’s *Fifth Estate*, discusses the aftermath of releasing the two documentaries on Ashley Smith and claims that there was an immediate impact in the form of public discussion about the case. He states that this public discussion resulted in

the coroner’s jury ha[ving] to deal with the impact of that [i.e. the public discussion], they made over 100 recommendations for changes, [and] Corrections Canada was instructed to change their practices. (Daniel Henry, *Secrets of the Fifth Estate*, 2015)

While it is impossible to know whether there is any direct connection between the recommendations made by the coroner’s jury⁴ and the production of the *Fifth Estate*’s two documentaries, this discussion of their “impact on the world” (Caloz) presents the *Fifth Estate* as seeking to produce change through the exposure of injustices.

⁴ After the first coroner’s inquest was cancelled in September 2011 due to a replacement of the presiding coroner, a second coroner’s inquest began on September 20, 2012 and lasted until December 13, 2014. Dr. John Carlisle, the Ontario Coroner, presided over the second inquest, in which the jury officially ruled Smith’s death to be a homicide but did not hold any individuals criminally or civilly liable. The coroner’s jury made a long list of recommendations (104) that included restricting segregation use to no longer than 15 days, only allowing non-emergency transfers when they align with the female prisoner’s clinical needs, and moving towards a “restraint-free environment” (Carlisle 2013).

The *Fifth Estate*'s goals of impacting change and "expos[ing] injustice" (Carlisle) seem to align with the efforts of feminist criminologists, who have identified many injustices in women's corrections. For example, they have called attention to the harm done by using segregation as a response to self-injury or mental illness (Kilty 2006; Martel 2006), to the lack of control that women prisoners have over their own 'treatment' (Comack 2000; Dell, Fillmore, & Kilty 2009; Hannah-Moffat 2001; 2005; Pollack 2000; 2005; 2006), and to the inappropriate uses of psychotropic medication (Kendall 2000; Kilty 2012). Feminist criminologists seek not only to identify the injustices of the criminal justice system, but also to make them public and to materially impact the way that criminalized women are treated. In this way, both feminist criminologists and the producers of the *Fifth Estate*'s investigative journalism series are operating under a stated desire to expose and change issues of injustice.

Several scholars in the fields of sociology and criminology have identified the need for academics to engage with the public through mass media outlets (Barak 1988; 1994; 2007; Groombridge 2007; Henry 1994; Piché 2011). This work of "tak[ing] information and evidence, power and action 'back to the people'" (Carrabine et al. 2000: 208) is often referred to as 'public' or 'newsmaking' criminology, and in many ways this is the type of work that feminists have been engaging in for decades. Examples from within feminist criminology, such as the 1990 Task Force on Federally Sentenced Women and its resulting publication *Creating Choices*⁵, demonstrate feminist efforts to publicize recommendations for change and to materially impact conditions in women's prisons. In this way, there is a clear overlap between the efforts of public criminology and those of feminism, which is explored further in the

⁵ This publication recommended sweeping changes to women's corrections in Canada, including the closure of the Kingston Prison for Women, the establishment of regional minimum security facilities, the introduction of cottage-style living, and the construction of an Aboriginal Healing Lodge. As is discussed in the literature review, the aftermath of this Task Force reveals the difficulties and unintended consequences of such change-making efforts.

literature review chapter. The literature on public and newsmaking criminology also identifies the difficulties of media engagement, such as media disinterest and co-opted knowledge (Ericson 2005; Greek 1994; Martel 2004; Mopas & Moore 2012; Rowe 2013). To begin addressing some of these difficulties, many scholars argue that there is a need to better understand the specific structures, formats, and styles of mass media (Barak 1988; 1994; 2007; Feilzer 2009; Greek 1994; Mopas & Moore 2012; Rowe 2013; Vaughan 2005). One such format is the documentary narrative, which this thesis examines in detail.

The term ‘documentary narrative’ is used in this manuscript to refer to the particular ways in which scenes are organized and incidents are discussed in order to create a coherent storyline. Since events in real life do not appear as coherent narratives (White 1987), the documentary narrative must be constructed. By providing insight into the structure and style of documentary narrative, this project contributes to the literature on public and newsmaking criminology, particularly that which calls for a better understanding of specific mass media formats. Moreover, this project explores the medium of documentary narrative specifically within the context of feminist efforts to expose the injustices that abound in women’s corrections, such as the use of segregation, the misuse of psychotropic medication, the coercive nature of ‘treatment’, and punitive responses to women’s self-injurious behaviour. Since the two *Fifth Estate* documentaries are critical of how Smith was treated by the Correctional Service of Canada, logic would follow that some of the arguments made by feminist criminologists about women’s corrections might be reflected in their discussion of the case. Through in-depth narrative analysis, this project analyzes how these documentaries represent and critique the Smith case and considers how they either facilitate or overlook feminist critique.

To analyze the documentaries, this thesis examines how a coherent narrative about the Smith case is constructed. In particular, it considers the way that the documentaries bring together various scenes (i.e. interviews, monologues, and video footage), gradually advance and support certain arguments, and attempt to emotionally and morally elicit the concerns of a large national audience. As its key research question, this project asks:

- How do the CBC Fifth Estate investigative documentaries, *Behind the Wall* and *Out of Control*, make sense of the death of Ashley Smith?

In no particular order, the sub-questions of the project are:

- How are the various scenes brought together to advance the narrative and to propose arguments or claims about the event?
- Is coherence maintained throughout the documentaries, and, if so, how?
- How does the documentary either subjugate or consider gendered critique and feminist criminological knowledge?

By addressing these research questions and examining how the *Fifth Estate* documentaries construct a narrative about the Smith case, this project provides insight to the specific way that these documentaries “expose injustice [and] expose abuse of power” (Carlisle, *Secrets of the Fifth Estate* 2015). The purpose of this project is to enable a better understanding of whether the medium of documentary narrative could be a useful platform for publicizing the injustices identified by feminist and critical criminologists and making the critiques of feminist criminology accessible and relatable to a wider audience outside of academia. Ostensibly, the goal of exposing injustice is at the forefront of both the *Fifth Estate*’s investigative journalism and of feminist criminology; this project examines the *end product* of investigative journalism efforts (i.e. *Out of Control* and *Behind the Wall*) in order to understand how the exposure of injustices is shaped by and filtered through the format of documentary narrative.

In chapter one of this thesis, I outline the two bodies of literature that this project contributes to, namely public criminology and feminist criminology. My discussion of the public criminology literature focuses primarily on how media representations of crime and the criminal justice system are interpreted and on how various scholars have envisioned the relationship between academics and journalists. In discussing feminist criminological literature, I specifically outline the change-making efforts and action-oriented focus of feminist criminologists and their critiques of women's corrections. Chapter two of this manuscript outlines a theoretical framework for understanding the 'truth' production in documentary film by expanding upon Foucault's conceptualizations and discussions of the régime of truth, subjugated knowledge and coherence. Since this project makes use of both feminist and Foucauldian theory, I also outline the tensions between these two bodies of knowledge and discuss how they have been reconciled within feminist-Foucauldian work.

In chapter three I discuss the methodology, which draws primarily on approaches from narrative analysis. My methodology consisted of three interrelated layers of analysis: the individual analysis of each scene, an analysis of how these scenes are brought together to create the documentary's narrative, and the contextualization of this narrative in light of the critiques offered by feminist criminology. In this chapter I also review the literature on sensitizing concepts, abductive reasoning, and case study research, all of which were utilized in this project. In chapter four, I discuss the analytic findings in relation to the key concepts from the theoretical framework. Specifically, I explain how *Out of Control* and *Behind the Wall* gradually advance a particular narrative and interpretation of the Smith case, make appeals to the interests of every Canadian, and leave gendered critique out of the discussion. The conclusion re-examines the

project's research questions in reference to the analytic findings, discusses the implications of these findings, and proposes potential avenues for future research.

Chapter 1: Review of the Literature

This literature review examines two key bodies of literature. First, I discuss criminological scholarship that considers media representations of crime and the criminal justice system. While many scholars have identified the mass media as perpetuating fear of crime, others have recognized the ‘watchdog’ role that media often perform by drawing public attention to the injustices of the criminal justice system. Here I also discuss the calls for academics to engage with media. The second body of literature I examine is feminist criminology, in particular the literature that emphasizes the value of adopting a public and action-oriented focus. These feminist critiques help me draw connections between recent discussions of the need for public criminology and the publically and politically oriented work that has long been a priority amongst feminists. Moreover, these critiques provide a foundation for juxtaposing the *Fifth Estate*’s examination of the Correctional Service of Canada (CSC) against feminist empirical and theoretical work on women’s imprisonment. Taken together, these bodies of literature demonstrate some of the benefits and limitations of engaging with media to disseminate criminological knowledge and raise public awareness. The literature suggests that both feminist and public criminologists need to better understand the strengths and limitations of specific journalistic formats if they are to use media engagement as a tool for social and political action.

Media and Public Criminology

In reviewing the literature on the media and public criminology, I first outline that which discusses the impact of the media on public understandings of and responses to crime in western societies, particularly the literature that views media as perpetuating fear of crime, reinforcing dominant ideologies, and encouraging punitive responses to crime. Then I turn to the literature that identifies the media as a potential ‘watchdog’ over criminal justice institutions. Finally, I

outline how public and newsmaking criminology, through engagement with media, are a means of raising public awareness and I discuss the limitations that arise in doing this work.

Media as Fear Monger

There is a great deal of literature both within and from outside the field of criminology that is highly critical of media representations, arguing that the media are often biased in favour of dominant ideologies and the interests of elite groups (Allen 2006; Barlow 1998; Faith & Jiwani 2008; Herman & Chomsky 1988; Potter & Kappeler 2012; Simmons 2012; Whiteley 2012; Wortley 2008). According to Althusser, dominant ideology is “the ideology of ‘the ruling class’” (1971: 146), which is presented through various institutions that he terms ‘Ideological State Apparatuses’, such as religion, education, family, politics, law, and mainstream communications. Drawing on this notion of ideology, academics have argued that the mass media function as an institution through which the dominant ideology of the ruling class is presented. In particular, criminologists have argued that media representations of crime are oversensationalized and decontextualized, largely due to the exaggeration and distortion of information about crime rates and facts, which can lead to support for more punitive responses to crime (Allen 2006; Potter & Kappeler 2012; Simmons 2012). Furthermore, representations of race (Barlow 1998; Wortley 2008) and representations of ‘dangerous’ women (Faith & Jiwani 2008; Whiteley 2012) have been critiqued for their construction of racial and gendered stereotypes that reinforce social divisions along these lines. According to Potter and Kappeler, the version of reality that is presented within the media has the following consequences:

The audience remains uninformed and ignorant about the reality of crime and preconceived racist, sexist and classist stereotypes are reinforced, building support for the criminalization of groups along the lines of race, class and gender (2012: 8).

In this quote, Potter and Kappeler (2012) draw a direct connection between media representations and support for the over-criminalization of marginalized groups. Similarly, Allen (2006) and Simmons (2012) problematize the media's role in influencing public attitudes regarding crime to become more punitive. Such analyses of the media-crime relationship help produce a more nuanced understanding of how the perpetuation of fear through media outlets is linked to punitive attitudes.

Critical analyses therefore emphasise the importance of considering how crime is represented in the media when examining public and institutional responses to crime. What can become problematic, however, is when these well-founded critiques result in a caricature of the media as a homogeneous institution that always supports dominant ideology and misrepresents information about crime and criminal justice. As I discuss in the following section, not only is the media extremely diverse and pluralistic, but there also are journalists who demand accountability from policing and correctional institutions and question how prisoners are treated. The media's potential role as 'watchdog' should not be overlooked in our efforts to critique media representations that support dominant ideologies and over-sensationalize crime.

Media as 'Watchdog'

Some criminologists argue that the media can contribute to holding criminal justice institutions publically accountable by shining a spotlight on injustice (Cooke & Sturges 2009; Doyle 2006; Geraghty & Velez 2011; Gerritt 2005; Marks & McBride 2003; Mawby 1999). In fact, the *Fifth Estate's* condemnation of how Ashley Smith was treated in Canadian prisons exemplifies this work (*Out of Control*, 2010; *Behind the Wall*, 2010). Clearly, then, not all journalists or media outlets can be understood to simply perpetuate fear of crime or encourage more punitive action.

Both Ericson (1991) and Doyle (2006) argue against media-centric and reductionist understandings of how media operate. Instead, they contend that social scientists must acknowledge the diversity of mass media outlets and the complexity of how their representations of crime are interpreted. One of the major problems Doyle (2006) identifies regarding scholarship on media and crime is an underlying assumption that the audience, or ‘the public’, are merely passive receivers of information supplied by the media. Similarly, Ericson argues that ‘effects’ research, in which academics attempt to understand the psychological effects of media on viewers, “over-read[s] the monolithic effect of mass media on our views, affects, and actions concerned with crime and justice” (1991: 221). According to Doyle (2006), the media are both influenced by and have an influence upon frames of meaning surrounding crime and criminal justice, which means that the relationship between media and cultural understandings of crime is complex and bi-directional. Instead of assuming a linear causal connection between media representations and viewers’ understandings and feelings towards crime and justice, Ericson (1991) and Doyle (2006) recognize greater complexity in this relationship.

In their criticism of how the connection between media and crime has been analysed in criminology, Ericson (1991) and Doyle (2006) also problematize reductionist understandings and interpretations of the media. These reductionist understandings typically assume that the media are one organization with a single set of values and goals. For example, Ericson criticises the ‘dominant ideology’ approach mentioned above for “view[ing] the mass media as an ideological apparatus that maintains class formations” (1991: 221). According to Ericson (1991) this understanding is media-centric and reductionist in that it assumes there is a direct correlation between media content and our responses to crime. The ‘dominant ideology’ approach simplifies

the process of mediated information and does not consider that media representations must be ascribed meaning by consumers.

In arguing against these reductionist interpretations, Ericson (1991) and Doyle (2006) also emphasise the diversity that can be found within the mass media. This social institution is comprised of many different journalists, outlets, and formats, all of which may emphasise or require different styles or values. For this reason, it is problematic when criminologists approach their study of crime and media with a reductionist mentality. In his recommendations about how mass media should be studied, Ericson instead argues for an institutional approach, which suggests that “the mass media have diverse and conflicting influences” (1991: 221). Such an approach recognizes the diversity and complexity of the media without attempting to reduce it to presenting one overarching message. Acknowledging media’s diversity provides an opportunity for criminologists to break from interpretations of the media-crime relationship that assume punitive public beliefs about crime are merely the result of media over-sensationalization or misrepresentation. Instead, criminologists can consider the diversity of media representations and values surrounding crime and criminal justice, and in so doing perhaps identify voices and journalistic approaches that diverge from the monolithic caricature of media constructed within much criminological scholarship.

Through a recognition of the diversity of media and journalism, criminologists have been able to identify how the news media can have a ‘watchdog’ role in holding policing institutions accountable (Cooke & Sturges 2009; Mawby 1999), how political prisoners can be given voice through alternative media outlets (Marks & McBride 2003), and even how the news media can play a role in prison riots where prisoners are demanding publicity of the injustices they face (Culhane 1991; Mahan & Lawrence 1996). This literature demonstrates how media

representations of crime and criminal justice are not always negative, exaggerated portrayals of criminality or reinforcements of dominant ideology. Instead, it suggests that there is potential for media to engage in alternative discourses that question, challenge, and reveal certain injustices. In fact, Geraghty and Velez (2011) argue that the media have a responsibility to demand transparency and accountability from criminal justice organizations. They argue that there needs to be “a shift in our current culture of relative indifference to the criminal justice system” (Geraghty & Velez 2011: 484) and that, in order for this shift to occur, the media need to devote more attention to the practices of criminal justice institutions. For Geraghty and Velez (2011), then, it is the duty and responsibility of journalists to play the role of watchdog. In many ways, the *Fifth Estate*’s critical discussion of the Ashley Smith case demonstrates how media representations do not always perpetuate fear of crime, but can instead challenge certain injustices of the criminal justice system.

Although Doyle and Ericson (1996) found that corrections received very little coverage within news media and that journalists’ access to prison was often highly restricted, they also found that some journalists made use of alternative, unofficial, and anonymous sources in order to gain information about corrections. This demonstrates how penal officials and representatives are unable to dictate how their public image is constructed and suggests that there is potential for media criticism of corrections. As an example of this, Doyle and Ericson discuss the newspaper the *Kingston Whig-Standard*⁶, which “maintained award-winning critical coverage of prisons despite the fact that co-operation from penal authorities was sometimes very limited” (1996:

⁶ As an example of the *Whig Standard* offering critical coverage of prisons in its area, Doyle and Ericson refer to their coverage of the life story and tragic suicide of Marlene Moore. Anne Kershaw and Mary Lasovich wrote a 46-page story on this case, which appeared in the *Whig Standard*, and was the product of 10 months of in depth research at the Kingston Prison for Women. This coverage was later published as a book entitled *Rock-a-bye Baby* (Kershaw & Lasovich 1991).

184). Similarly, Cookes and Sturges (2009) and Mawby (1999) argue that police attempts to professionally manage information provided to the media and the public can only have a limited impact on their public image. Criminal justice institutions are unable to completely control how they are represented in the media, as journalists can reach out to alternative sources in order to challenge the legitimacy of corrections and policing.

Prisoners also recognize the potential for mass media to hold criminal justice institutions accountable; for example when prison riots break out a typical demand is for media attention to the injustices prisoners face (Culhane 1991; Mahan & Lawrence 1996). After analysing the relationship between three major prison riots and media coverage, Mahan and Lawrence argue that “prison riots are last responses to the lack of attention to long standing grievances [...] [and that] their intention is to draw attention to their conditions and their experiences” (1996: 439). Culhane also documented how prisoners clamour to have public investigations and media tours of the institutions, arguing that “the prison system has the most to lose under the gaze of public scrutiny” (1991: 23). Prisoners’ demand for media attention into the injustices that they face connects to how Geraghty and Velez (2011) argue that the media have a responsibility to examine criminal justice institutions and to hold them accountable. This position envisions a drastically different role for media than the regurgitation of dominant ideologies.

The ‘gaze of public scrutiny’ that can be facilitated by media tours, however, is largely managed and scripted by the institutions themselves. In their article on dark tourism, Walby and Piché argue that institutions construct and narrate tours in a way that “sanitizes the on-going brutalities of confinement” (2011: 466). Tours of penal museums therefore become a mechanism for impression management on the part of the institution as opposed to a means for the conditions and injustices facing prisoners to be recognized. Walby and Piché’s (2011) study

points to the limitations of prison tours when it comes to exposing the material reality of correction life.

Although the media are diverse and there are journalists who pose critical investigations into corrections and policing, there are also many constraints that these journalists face. One of these limitations is restricted access, which is enforced through either bureaucratic red tape or through claims of institutional security concerns (Doyle & Ericson 1996). Doyle and Ericson (1996) identify that in instances of restricted access some journalists reach out to alternative sources, such as non-governmental organizations, prisoners, guards, or politicians. Nonetheless, such constraints clearly have a large impact on the degree and type of media attention that is given to correctional institutions. In fact, Culhane discusses how journalists “became apathetic and tended to discontinue their watchdog role” (1991: 32) when they were unable to get “hard news” or gain access to the prison.

Ericson (1995) identifies another limitation to the media’s role as watchdog in his discussion of the term “account ability”, which refers to “the capacity to provide a record of activities that explains them in a credible manner so that they appear to satisfy the rights and obligations of accountability” (1995: 137). Ericson (1995) argues that this account ability, or satisfaction of obligations to be accountable, is achieved through the use of both secrecy and revelation. Full and permanent transparency is impossible and the decisions regarding what will be revealed and what will be kept secret are aimed at reproducing the legitimacy of the criminal justice system (Ericson 1995). According to Ericson (1995), selective publicity serves to keep reporters preoccupied and distracted, as well as individualizing the locus of responsibility in cases where the criminal justice system is seen to have failed. In this way, the criminal justice system maintains its legitimacy throughout calls for public accountability.

There is potential, and according to Geraghty and Velez (2011) a responsibility, for the media to question the actions of criminal justice institutions, but there are also many limitations that can make this task difficult to accomplish. Public criminology, through knowledge dissemination and media engagement, can perhaps contribute to public discussions about criminological issues in such a way that strengthens the media's ability to perform a watchdog role. In the next section, I outline the arguments in favour of criminologists interacting more with the media with the goal of publicizing criminological knowledge and critique.

What Can 'Public' or 'Newsmaking' Criminology Do?

Much of the public criminology literature takes as its starting point a concern regarding how knowledge created within the discipline has had very little impact on criminal justice policy and practice or on public perceptions of crime (Carrabine et al. 2000; Currie 1999; 2007; Loader & Sparks 2008; Rock 2010; Snyder 2011; Tonry 2010). In an attempt to remedy this, advocates of public criminology argue that there is a need to "take information and evidence, power and action 'back to the people'" (Carrabine et al. 2000: 208). According to Carrabine et al. (2000), this necessarily involves reclaiming and revitalizing the concept of 'social justice' within criminology, as well as taking a moral stance on public issues. This work to disseminate relevant research to the public sphere is referred to by Snyder (2011) as 'socially responsible criminology' and by Carlen (1996) as 'political criminology'; both of these terms suggest a concern with socio-political justice. In her discussion of the 'moral performance' of the prison, Liebling addresses "how a prison feels" (2011: 534) and the impact that this has on the psychological and emotional well-being of prisoners. A revitalization of 'social justice' within criminology requires a consideration of the morality and immorality of certain penal practices.

According to Liebling (2011) and Carrabine et al. (2000), then, the issue of morality cannot be left out of public, political, or institutional discussions about the prison system.

Advocates of public criminology argue that this work can be done through outlets available in the mass media, discussed at length by Barak (1988; 1994; 2007), or through direct engagement with the public (Mopas and Moore 2012). Moreover, Piché's (2011) discussion of 'information brokering' demonstrates how being public about the limitations scholars face when attempting to do research can be useful for demanding transparency from criminal justice institutions. Public criminology can therefore be done in various ways and with different purposes, but one of its main priorities is to disseminate criminological knowledge.

Turner (2013) introduces an important critique of public criminology by problematizing the implicit assumption that there are 'truths' that need translating to the public. While criminologists acknowledge that there are different approaches to producing knowledge within the discipline, in practice they do not always address "the plural and contested character of the criminological field" (Turner 2013: 157) when it comes to disseminating knowledge. Turner connects this inattention towards the complicated nature of knowledge production with Latour's (1993) discussion of the "modern Constitution", which refers to the way in which modern social scientists have attempted to distinguish 'facts' from 'values'. In this context, "modern" social scientists present their knowledge as objective and value-free and fail to consider the socially-based nature and plurality of knowledge production. Turner (2013) criticises much of the discussion surrounding public criminology for presenting 'truth' in this manner. This criticism highlights the importance of studying and 'doing' public criminology in ways that acknowledge plurality within the discipline and the values and subjective decisions that go into producing criminological knowledge.

Scholars who advocate the importance of making criminology socially and politically relevant often reference the literature on ‘newsmaking’ criminology, which is specifically focused on engagement with the media (Carrabine et. al. 2000; Mopas & Moore 2012; Rowe 2013; Uggen & Inderbitzin 2010). The term ‘newsmaking criminology’ was initially introduced by Barak (1988; 1994), who problematizes how academics critique the media’s role in shaping public and cultural understandings of crime and yet do not attempt to engage with media representatives. In response to this discrepancy, Barak proposes a newsmaking criminology, which “refers to criminologists’ conscious efforts and activities in interpreting, influencing, or shaping the presentation of ‘newsworthy’ items about crime and justice” (1988: 566). In order for criminologists to be able to engage in newsmaking criminology, Barak (1988; 1994; 2007) argues that they need to develop relationships with journalists and in so doing gain access to channels of mass communication. The goal of newsmaking criminology is “to locate crime and justice in their political, structural, and historical contexts” (Barak 1988: 579).

Groombridge (2007) and Henry (1994) also discuss the need for criminologists to engage with the news media. Examples of how such engagement is conceptualized within the literature include, but are not limited to, building relationships with journalists (Barak 1994; 2007), providing public commentary on timely issues (Barak 2007), and inserting oneself into public debate (Henry 1994). As has been previously discussed, there are multiple formats, styles, and values that exist within mass media, as well as many journalists with different goals and approaches, and consequently there are multiple ways to communicate with the public through the media. Within the literature on newsmaking criminology, the emphasis is on understanding the different ways in which criminologists can participate in the media’s communication of information about crime and criminal justice.

Groombridge argues that “if criminologists don’t do criminology in public – which means the media now – then the media will do it for them” (2007: 473). He suggests that it is necessary for criminologists to take some control over how the knowledge they produce is presented to the public. Henry takes a similar stance, arguing that newsmaking criminology must focus on a ‘replacement discourse’ that “is directed at the dual process of deconstructing prevailing structures of meaning and displacing these by new conceptions, distinctions, words and phrases, which convey alternative meanings” (1994: 289). This argument suggests that newsmaking criminology should be involved not only in the process of deconstructing inaccurate representations of crime and justice, but also in replacing these representations with more contextualized understandings of these issues. In this way, both Groombridge (2007) and Henry (1994) argue the importance of criminologists actively engaging with news media.

Despite arguments about the usefulness of media engagement, several scholars discuss the difficulties that arise when attempting to do this type of work, such as media disinterest, the limitations of journalistic structures, and co-opted knowledge (Ericson 2005; Greek 1994; Martel 2004; Mopas & Moore 2012; Rowe 2013). In response to these difficulties, many argue that criminologists must better understand the structures and styles of mass communications and journalism (Barak 1988; 1994; 2007; Feilzer 2009; Greek 1994; Mopas & Moore 2012; Rowe 2013; Vaughan 2005). In discussing public sociology, Burawoy (2005) argues that engagement with journalists needs to be done in a way that considers the particular interests and values of this group. Similarly, Rock (2010) and Tonry (2010) both argue that it is necessary for criminologists to understand the detailed and complicated process of policy making if they are to have an influence on policies and practices surrounding penalty. In this way, much of the public

criminology literature discusses the importance of understanding the complexities of the specific format and institution through which one is attempting to do this work.

After conducting a study to determine the impact of communicating criminological information through a newspaper, Feilzer (2009) recommends the use of ‘narrative simplicity’ or ‘telling a good story’. Her study emphasizes the importance of presenting information through “the medium of case stories and narratives with a human interest angle” (Feilzer 2009: 480). Similarly, Vaughan (2005) discusses the usefulness of ethnography when it comes to disseminating information through the media. In writing about her experience of receiving unexpected media attention for her ethnographic research on events related to NASA, Vaughan found that ethnography is particularly well suited to public dissemination because it “presents details that convince, enabling readers to recognize patterns and make that important connection between personal problems and public issues” (Vaughan 2005: 412). In this way, Feilzer (2009) and Vaughan (2005) emphasize the need for criminologists to be aware of stylistic expectations of news media when attempting to disseminate the findings of criminological research.

Furthermore, Mopas and Moore (2012) argue that public criminologists also need to understand and acknowledge the emotional aspect of publically discussing criminal justice issues. In their work to engage in public discussion about sexual assault on university campuses, Mopas and Moore (2012) found that their attempts to be critical⁷ resulted in the perception that they were emotionless, which undermined their credibility. With regards to future efforts, they recommend that instead of dismissing emotions, public criminologists should acknowledge and

⁷ Mopas and Moore attempted to foster public discussion about sexual assault that moved beyond focusing on the specific incident. Instead of adding to the panic and emotional claims that followed the sexual assault on campus, they sought to engage in a neutral, academically informed critique of the situation. As opposed to opening up a space for such a discussion, their efforts were seen by the media as being ‘emotionless’.

attempt to use them to motivate action. The public and newsmaking criminology literature therefore emphasizes how criminologists must be aware of different media formats and journalistic expectations so as to tailor their information and media engagement in a way that will make their work as effective as possible. By analysing the medium of the documentary narrative, this research contributes to this body of literature by expanding our understanding of a particular media structure, format, and style.

Feminist Criminology

Despite the relatively recent attention given to the development of a public criminology, feminist criminologists have long been involved in the process of attempting to educate and disseminate information to the public. In fact, the majority of feminist criminology scholarship has sought not just to criticize the criminal justice system, but also to materially impact how criminalized women are treated. In this way, feminist criminologists can be understood as having done the work of public criminology long before it was even referred to as such; current calls for public criminology are in many ways a re-packaging of the work already being done by feminists. For this reason, consideration of the history and current climate of feminist criminology is necessary in order to facilitate a thorough discussion of the struggles involved in doing publically and politically oriented criminological work. This is especially pertinent as this project analyzes the *Fifth Estate's* coverage of the Smith case, which exemplifies some of the problems with women's corrections that feminist criminologists have been discussing for decades.

Some of the difficulties in doing newsmaking and public criminology (e.g. media disinterest, co-opted knowledge) have also been discussed by feminist criminologists (Faith 2000; Hannah-Moffat 1995; 2001; Martel 2004; Shaw 1992). In fact, Martel (2004) specifically

addresses how disquieting research results, particularly those produced within feminist criminology or through qualitative research methods, are often marginalized and silenced in political, academic, and media arenas. In the following sections, I endeavour to outline the public and action-oriented focus of feminist criminology and to discuss the dangers that emerge when critical knowledge is appropriated or marginalized. To do so, I begin by discussing what can be learned from the unintended consequences of the earlier feminist effort *Creating Choices* (TFFSW 1990)⁸. Then, I outline current feminist arguments about how women deemed ‘difficult to manage’ are treated in Canadian prisons. Outlining this literature reveals some of the current issues facing women prisoners and in so doing provides the critiques necessary to contextualize the Smith case within feminist discourse. Third, I review the literature that identifies feminist criminology as inherently political and action-oriented. Finally, I outline limitations to doing the public and political work of feminist criminology.

A Lesson from the Past

Throughout most of Canada’s penal history, women prisoners have been deemed “too few to count” (Adelberg & Currie 1987) and “correctional after thoughts” (Fabiano & Ross 1986). By the late 1980s to the mid-1990s, advocates for women prisoners recognized that in order for policy and institutional change to occur, women needed to be understood as having distinct needs, experiences, and “pathways to crime” (Faith 1993). Women in conflict with the law had to be differentiated from male prisoners in order to lay claim to much needed resources

⁸ In 1989 a federal Task Force on Federally Sentenced Women (TFFSW) was established to recommend sweeping changes to the Kingston Prison for Women. *Creating Choices* (TFFSW 1990) is this task force’s publication of research results and recommendations. The TFFSW commissioned five separate research projects: individual interviews with incarcerated women, a survey of federally sentenced Aboriginal women in the community, a historical overview, an analysis of exemplary programs being offered for incarcerated women in the United States, and an inventory of institutional programs. Like many of the other task forces and commissions that had gone before, the TFFSW recommended the closure of Prison for Women. What was particularly unique about this task force was that it drew largely from the voluntary sector, incarcerated women, and activist organizations.

and to counter the conventional practice of merely applying to women the existing correctional policies and practices that were created for men. Until the publication of *Too Few to Count* (Adelberg & Currie 1987), Canadian criminologists largely devoted research and scholarship to the development of correctional programs, risk assessment tools, and release planning (Bonta et. al. 1983; Porporino, Doherty, & Sawatsky 1987). The goal for early feminist criminologists was to differentiate criminalized women from men in terms of their offence and personal histories, and consequently to build a foundation upon which reforms to women's prisons could be based.

In this early feminist criminological literature, women's voices and stories were better showcased (Adelberg & Currie 1987), social, economic, and political factors impacting women's criminalization were considered (Chesney-Lind 1986, 1989; Geller 1987), the specific marginalization experienced by Aboriginal women was acknowledged (Gavigan 1987; LaPrairie 1987), women's histories of victimization were recognized (Johnson 1987; MacLeod 1980), and incarceration was argued to be an inappropriate response to women's specific offending patterns (Elliot & Morris 1987). What is particularly significant about this early work is that it was not limited to academic arenas; instead, feminist scholars engaged in what would today be seen as a form of public criminology. In fact, Cooper (1987) and Berzins and Hayes (1987) argue that the work of feminist criminology *needs* to involve political activism on behalf of incarcerated women and *needs* to create public pressure that would support reform efforts. As Berzins and Hayes state, "women prisoners need friends in the feminist community who will advocate on their behalf" (1987: 177). Cooper similarly states that "dogged, collective and continuous pressure from a broad political base can be an effective catalyst for change" (1987: 141). In this way, the work of early feminist criminologists went far beyond knowledge construction and was aimed at materially changing the conditions faced by imprisoned women. Their advocacy

heavily involved the participation of community groups and the creation of public awareness and pressure for CSC to introduce reform to women's prisons. For example, in 1987 a coalition of feminist lawyers (Legal Education and Action Fund) stated that if the conditions in the Kingston Prison for Women were not remedied they would launch a legal challenge under the *Charter of Rights and Freedoms* on the basis of gender discrimination (Hannah-Moffat 2001).

The public, legal, and political pressure generated by feminist criminologists in conjunction with a slew of high profile incidents, including the tragic death of Marlene Moore⁹ in 1988, created a climate in which reforms to women's prisons could acceptably be proposed. It was at this time that the Task Force on Federally Sentenced Women (TFFSW 1990) was established. The TFFSW included representatives from the voluntary sector, activist organizations, and incarcerated women themselves, who were to work together to generate recommendations for sweeping reforms to women's federal imprisonment in Canada. The five separate research projects commissioned by the TFFSW (1990) were women-centered and grounded in the voices of imprisoned women – a distinguishing feature of this federal policy document. The five main principles upon which recommendations for change were based are captured in the following quote from the resulting publication, *Creating Choices*:

The Correctional Service of Canada with the support of communities has the *responsibility* to create the *environment* that *empowers* federally sentenced women to make *meaningful and responsible choices* in order that they might live with *dignity and respect* (TFFSW 1990: 112).

⁹ Marlene Moore was a prisoner at the Kingston Prison for Women and was the first woman in Canada to be held under dangerous offender legislation, which resulted in an indefinite sentence. During her incarceration, Marlene continually engaged in self-injurious behaviour and, at the age of 31, she committed suicide. Since her death, there has been a book published, entitled *Rock-a-Bye-Baby* (Kershaw & Lasovich 1991), and a movie released, entitled *Dangerous Offender: The Marlene Moore Story* (Dale & Cole 1996), that give a detailed account of her life and tragic death.

These guiding principles built on early feminist work by positioning women's criminality in the context of their victimization and/or marginalization and recommending approaches that were intended to promote the empowerment and dignity of imprisoned women. Among other recommendations, the TFFSW recommended the closure of the Kingston Prison for Women, the establishment of regional minimum-security facilities, the introduction of independent cottage-style living, and the construction of an Aboriginal Healing Lodge. At the time that *Creating Choices* (TFFSW 1990) was written, the recommendations and principles represented groundbreaking changes in the treatment and interpretation of women prisoners and appeared to signal the success of early feminist efforts. Unfortunately, many of these recommendations did not reach the implementation stage or failed to be carried out in the manner envisioned.

One such example is the construction of the Aboriginal Healing Lodge, which was intended to be a step towards the incorporation of an Aboriginal world-view into the correctional system that would promote a community-based approach. Instead, the "prisonization" (Monture-Angus 2000) of the Healing Lodge has resulted in heightened institutional security and punishment and fewer community-housing options for indigenous women. Moreover, federally sentenced Aboriginal women classified as maximum security are denied access to the Healing Lodge despite the fact that it was intended to be an option for all federally sentenced Aboriginal women regardless of their security classification (Monture-Angus 2000).

Creating Choices (TFFSW 1990) has also been critiqued for its unintended effect of reinforcing the use of imprisonment itself. In her discussion of *Creating Choices* (TFFSW 1990), Shaw reflects on the "processes involved in working for change in the treatment of women" (1992: 438). Despite her own involvement in the research done by the TFFSW, Shaw (1992) argues that working for reform from within the criminal justice system (on a task force

commissioned by the Correctional Service of Canada) can lead to “the substitution of one form of power and control for another” (1992: 443). Shaw (1992) suggests that recommendations for change can unintentionally result in the reinforcement of women’s imprisonment more generally. Similarly, Hannah-Moffat (1995) problematizes the notion of ‘women-centered prisons’ for failing to challenge the use of prisons and for creating a caricature of the category of ‘woman’ that is insensitive to the wider social, economic, and political structures that affect women.

Tracing the efforts of early feminist criminologists and the subsequent establishment of the TFFSW allows for a better understanding of some of the challenges that arise when attempting to introduce reform to the criminal justice system. The unintended consequences of *Creating Choices* demonstrate how feminist criminologists must be sceptical about calls for reform by recognizing the risk of unintentionally reinforcing the use of imprisonment. Since much of the work done by early feminist criminologists has similar goals to the public criminology of today, public criminologists should endeavour to learn from the experiences of feminist criminologists so as to be cognizant of how knowledge can be appropriated and misinterpreted. In the next section, I discuss some of the current feminist critiques regarding the practices of medicalization/psychiatrization and segregation, and the call to speak publicly about these issues in order to push for change in the treatment of women prisoners.

Contemporary Feminist Critique of Women’s Imprisonment

Much of the contemporary feminist criminological literature levels critique against correctional responses to women deemed ‘difficult to manage’ and the punitive penal practices that are discursively constructed as ‘treatment’. In particular, feminists have challenged, among other things, the psychologisation and ‘psy control’ of women prisoners (Balfour 1999; Kendall 2000; Kilty 2008, 2012; Maidment 2006), the use of segregation (Kilty 2006; Martel 2000; 2001;

2006), and the lack of control prisoners have over their own ‘treatment’ (Comack 2000; Dell, Fillmore, & Kilty 2009; Hannah-Moffat 2001; 2005; Pollack 2000; 2005; 2006). Although feminist literature on women’s experiences of incarceration is diverse in topic and scope, I focus on these particular arguments because they are especially relevant to the Smith case. As aforementioned, discussing feminist work allows me to identify the public and action-oriented nature of feminist criminology and to outline the feminist arguments against which the narratives of the *Fifth Estate* documentaries are juxtaposed in the analysis.

According to feminist critiques, correctional discourse individualizes women’s offending and behaviour rather than considering the social, cultural, political, and economic contexts in which the offending occurred. Within this context, women prisoners are seen as either psychologically unwell or as ‘transformative risk subjects’ (Hannah-Moffat 2005), and issues such as the power dynamics in prison (Pollack & Brezina 2006), women’s histories of victimization (Comack 1996), and the structural marginalization and oppression that is multiplied for visible minority women (Baldry 2014; Potter 2013; Richie 1996; 2012) remain unaddressed. According to these individualizing discourses, women’s offending is “the outcome of poor choices or decisions” (Hannah-Moffat 2005:41) and consequently the onus of responsibility is placed solely on the woman herself. Indicators of social inequality and marginalization, such as welfare, lack of education, and unemployment, that may contribute to women being unable to behave ‘appropriately’ are detached from their social contexts and affixed to individual women as signs of their status as ‘risky subjects’ (Snider 2006: 330). Correctional discourse “focuses almost exclusively on [women’s] victimization and recasts prisons as places of healing, rather than control” (Balfour 1999: 53). In this way, women’s offending and past experiences are extrapolated from their social context and the individual

woman is understood to be the ‘problem’. Consequently, women prisoners are seen as needing to be responsabilized, punished, and ‘fixed’, and the carceral setting is presented as the site in which this can be accomplished.

This individualizing discourse directly coincides with the psy discourses that are used to explain the behaviour of women prisoners. In psychological explanations of women’s behaviour, “the problem *and the solution* to the problem, lie within the individual woman herself” (Pollack 2000: 79, emphasis in original). Pollack and Kendall (2005) discuss ‘cognitive-behavioural’ approaches to women’s offending, which are premised on “the notion of a *criminal mind*” (2005: 75, emphasis in original). References to the “criminal mind” take individualization to an extreme by locating criminality not just in decisions themselves, but also in the individual’s mind. Interestingly, the notion of the criminal mind could be seen as partially relieving women prisoners from responsibility for their offending by framing their behaviour as being beyond their control. This framing positions women to be expected to “internalize this ‘criminal personality’ script in order to change their behaviour and prove their self-transformation” (Pollack 2006: 243). Correctional discourse presents criminalized women’s minds as damaged and suggests that they are unable to transform themselves by making the right choices. This creates a discursive contradiction that responsabilizes women for behaviour that is at the same time understood to stem from an inherently damaged mind or personality. The impact of structural factors is ignored, as the individual woman becomes the site for intervention by suggesting that there is “something wrong on the inside” (McCorkel 2003: 70). According to Menzies and Chunn, there is continuity between the 19th and 20th centuries and today in terms of how criminalized women are pathologized for breaking with the expectations of “docile, responsible, sane womanhood” (2006: 175).

Pollack (2006) suggests that psychiatric labels such as Borderline Personality Disorder¹⁰ constitute women's behaviour as indicators of 'mental sickness'. The possibility that their behaviour could be understood as a rational response to experiences of marginalization, abuse, and oppression is largely unacknowledged in psy discourses. The use of cognitive-behavioural therapies and psychotropic medications to 'treat' women prisoners perpetuates the notion that there is something inherent in their character or mind that needs to be 'fixed'. Such treatment often takes the form of "taming" women by teaching them techniques, like distress tolerance, that emphasis "bearing pain skilfully" and consequently encourage women to "internalize their oppression" (Pollack & Kendall 2005: 79). As Pollack and Kendall write, "correctional mental health policy [...] should not define the consequences of gender, class and racial discrimination as mental health needs" (2005: 83). In this way, women's experiences of marginalization are often recast as indicators of 'risk', which has a serious impact on how women prisoners, including Ashley Smith, are treated in the correctional system.

Constituting the individual woman as the problem, without acknowledging the structural, economic, or social barriers that contributed to her behaviour, enables the correctional system to justify the use of segregation as a form of management and punishment (Kilty 2006; Martel 2000) and the mis- and over-use of psychotropic medication to force a sense of docility amongst a population characterized as difficult to manage (Kendall 2000; Kilty 2008, 2012). Medicalization as a practice flows from correctional expectations that women must adhere to a

¹⁰ Women prisoners are often diagnosed with Borderline Personality Disorder, which includes symptom characteristics such as "extreme emotionality, impulsivity, aggressive behaviour, dichotomous thinking, confused identity, self-injurious behaviour, and suicidal ideation" (Pollack 2006: 244). Most often it is women who are diagnosed with this disorder and it is considered to be permanent and untreatable.

particularly gendered script of passivity, dependency, and non-violence if they desire to be seen as ‘recovering’ (Dell, Fillmore, & Kilty 2009).

Segregation and solitary confinement are often used as a response to women who are seen as having something “wrong on the inside” (McCorkel 2003:70) that threatens institutional security (Kilty 2006). For example, segregation is used in response to self-injurious behaviour (Kilty 2006; Sapers 2013) and for those deemed mentally ill (Martel 2006), despite much research that identifies it “can have emotionally devastating consequences for convicts” (Arrigo & Bullock 2008: 636). Among these devastating consequences are sensory deprivations, “disturbance of thought content, and problems with impulse control” (Arrigo & Bullock 2008: 628). Martel (2006) also identifies the loss of spatio-temporal referencing as a consequence of segregation practices, which causes women in segregation to have difficulty perceiving themselves as ‘being’. In addition, Kilty (2006) argues that the use of segregation in response to women who self-injure is an indication of institutional security being valued above the personal safety and security of women prisoners. These feminist criminologists go beyond merely identifying the impact that such practices have on women; they use their research results to call for the complete eradication of segregation practices (Kilty 2006; Martel 2000; 2001; 2006).

Similarly, Kilty (2012) challenges the practice of using psychotropic medications for the purposes of behaviour management and strongly advocates against women prisoners inability to refuse psychotropic medication without fear of reprisal or punishment. She states:

Requiring women to take medication as a component of their correctional and/or parole release plans surreptitiously denies them the agency to participate in their own mental health governance and the ability to provide informed consent free of coercion (2012: 177).

In this way, Kilty (2012) reveals the misuse of psychotropic medications to be a coercive and oppressive practice. In addition, she found that women prisoners were at times denied the

psychotropic medications that they were taking in the community, which can result in “distress, unnecessary pain, or even undue health risks for a prisoner who has no recourse to alternative care and treatment” (179).

The misuse of medication and use of segregation can be connected to Liebling’s discussion of immoral prison practices. In her discussion of the prison’s moral performance, Liebling argues that “the absence of respect and fairness is experienced as psychologically painful” (2011: 534). In order for a situation to be perceived as fair, there needs to be mutual respect of one another’s feelings, needs, and expressions of humanity (Liebling 2011). In the prison setting, however, women are seen as ‘sick’ and irrational; this mindset in turn leads to their immoral treatment, which Liebling argues “generates negative emotions such as anger, tension, indignation, depression and rage” (2011: 534). As aforementioned, revitalizing concerns about social justice in criminology requires criminologists to publically acknowledge and draw attention to the immorality of such practices.

Through calls for the eradication of immoral and psychologically damaging penal practices, feminist criminologists move beyond researching such practices. The action-oriented nature of feminist criminological research demonstrates the similarities between the work of public and feminist criminologists. In the next section, I examine feminist literature that argues that the main role of feminist criminology should be public and political engagement.

Feminist Criminology as Political and Public Action

In Comack’s historical discussion of feminist engagement with criminology, she identifies how,

[i]n the past forty years feminist criminologists have drawn energy and insights from work in other arenas – particularly the violence against women movement – as well as

responding to events and developments occurring within the ever-changing socio-political climate (2006: 55).

Feminist criminologists have long been involved in social justice advocacy and activism and frequently partner with feminists working across diverse disciplines. In fact, Horii, Parkes, and Pate argue that collaboration between feminist organizations, human rights groups, academics, and lawyers is absolutely necessary if women's rights are to be more than a "paper tiger" or to be "worth the paper they're written on" (2006: 321). In working towards changing the way that women prisoners are treated, feminist scholars moved their critique of inhumane penal practices from the confines of academia to the wider public. Their work can be understood as an attempt to encourage what Roach terms 'social accountability', which refers to "a process of attitudinal change in which the interested public begins to demand answers about officially recognized problems" (1995: 274). Given the persistent critique of conditions in women's prisons and the re-centring of women's voices and experiences, it is clear that one of the main goals of feminist criminology is to inform the public about the injustices occurring in prison so as to create a climate of social accountability in which demands for transparency and change can be made (Balfour 2006; Comack 2006; Faith 1993; Horii 2000; Howe 1994).

In fact, Balfour (2006) strongly criticises feminist literature that has shifted away from asking the question 'what is to be done'. In particular, she problematizes how governmentality theorists appear to have set aside the coercive role of the state. The following quote summarizes both her argument about what the role of feminist criminology should be and her criticism of how feminist academics have moved away from such work:

Criminologists have the capacity to inform the public about the true fiscal and human costs of neo-liberal economic and neo-conservative crime control. Yet subversive stories of poverty, violence, and racism are noticeably absent, and academics are less politically engaged. Just as neo-liberalism would have it (Balfour 2006: 746).

In this way, criminologists' failure to be politically and publically engaged is seen as a failure to adequately challenge punitive penal practices. Similarly, Horii emphasizes the need for public awareness in order to "perhaps put an end to incarceration as a business" (2000: 113) and Parkes and Pate (2006) argue that it is necessary for penal practices to be seen, questioned, and rejected by the public if changes are ever going to occur.

Within feminist criminology there has always been a recognition that public awareness and political activism are necessary to enable fundamental changes in penal policy and practice. Feminist criminologists have also identified many limitations and difficulties that arise when attempting to engage in socio-political advocacy. Some of these limitations were discussed with respect to the unintended consequences of *Creating Choices* (TFFSW 1990); in the next section I discuss some of the difficulties that feminists face when doing public criminology.

Challenges to the Public and Political Work of Feminist Criminology

One of the major limitations to relying on public engagement to facilitate change to penal practices is that it can unintentionally lead to the reinforcement of imprisonment, as discussed earlier with regards to *Creating Choices* (TFFSW 1990). The possibility that the work of feminist criminologists could inadvertently reinforce the expansion of punitive penal practices is perhaps one of the most difficult challenges to address. Snider (2003) acknowledges that feminist knowledge is productive and constitutive rather than merely critical, meaning that it also produces certain conceptualizations of the female offender that might serve to *further control* and punish her. For example, identifying women prisoners as 'too few to count' led to an anti-feminist backlash that argued that too few women were being sentenced to custody as a result of judicial leniency. This led to the conservative justification that women should be incarcerated more frequently in a kind of "equality with a vengeance" (Smart 1995: 42). Snider argues that

“lenience arguments were only, ever, always heard as arguments for increasing the punishment of women, never for infusing mercy into the treatment of men” (2003: 363). In this way, attempts by feminist criminologists to differentiate women prisoners from male prisoners, so as to advocate for better resources and conditions, resulted in an anti-feminist backlash that saw women’s marginalization in the carceral setting as an indication of leniency in the justice system.

Similarly, the well-intended recommendations of *Creating Choices* (TFFSW 1990), which recognized women’s past experiences of victimization and their need for empowerment, ended up contributing to the conceptualization of the female offender as ‘damaged’, ‘risky’, and in need of therapeutic discipline. This co-optation of feminist arguments reflects Snider’s argument that “in a culture of punitiveness, reforms will be heard in ways that reinforce rather than challenge dominant cultural themes” (2003: 369). Recognizing the effects of co-opted feminist discourses has caused some feminist criminologists to no longer see the discipline of criminology as capable of challenging the state and its prison industrial complex (Faith 2000). For example, Faith argues that “grassroots coalitions are the only effective means of growing a social movement” (2000: 164) that will bring about institutional change and reform.

When acknowledging the challenges faced by feminist criminologists engaging in public and political arenas, it is also important to consider the way that certain knowledge claims are publicized while others are silenced. Reflecting on her experience of research marginalization, Martel (2004) identifies three sites at which her qualitative study (2001) on the effects of segregation on women prisoners was policed. The first of these was in attempting to gain initial access to the prisons, where there was an “epistemological negotiation between proponents of a mainstream scientific tradition and those who seek to do science differently” (Martel 2004: 168). In particular, social scientists in CSC’s research department that adhered to a positivist scientific

tradition did not recognize the value of a qualitative study and saw the proposed study as too overtly political. The second site is the academic community itself, in which support is necessary in order for one's findings to be legitimated. Amongst the academic community, Martel received support from those already familiar with alternative paradigms, but found that researchers affiliated with CSC or with more positivist oriented research dismissed the validity of her work. The final site where Martel's research was marginalized was with regards to mass media outlets. In attempting to disseminate her findings to the larger community, Martel invited fifty media representatives to a press conference, of which only three attended. Reflecting on these experiences, Martel (2004) argues that disquieting research results, particularly those gained through alternative research methods or that which is considered overtly political, can be marginalized in the media just as they are in scientific and political arenas.

In connecting the difficulties faced by feminist criminologists to the efforts of public criminology, it becomes apparent that media, public, and policy engagement are incredibly complex. Not all research results are acknowledged and of those that are many are co-opted and altered through the dissemination process. Public criminologists would do well to learn from the action-oriented efforts of feminist criminologists and the difficulties that they have faced in having their voices heard and in making political and material changes for those marginalized groups for whom they advocate and with whom they are allied.

Where the Project Fits in the Literature

Public and feminist criminologists alike have identified the limitations and challenges that arise when attempting to disseminate knowledge, raise public awareness about issues of social injustice, and impact policy and practice. Some public criminologists suggest that in order to address these challenges, we require a better understanding of the formats and styles of

journalism that structure media representations (Barak 1988; 1994; 2007; Feilzer 2009; Greek 1994; Mopas & Moore 2012; Rowe 2013; Vaughan 2005). Analysing these formats and styles would better enable public and feminist criminologists to be aware of any limitations inherent in certain journalistic formats and to sufficiently tailor their knowledge to fit stylistic expectations. This project addresses this need for insight about specific journalistic formats by providing an analysis of how the documentary narrative constructs meaning and advances arguments about one specific case of prisoner mistreatment, that of Ashley Smith.

This research analyzes the two *CBC Fifth Estate* documentaries that investigate the tragic death of Ashley Smith, whose (mis)treatment in the Canadian penal system encapsulates the punitive, immoral, and abusive practices to which feminist criminologists have called attention for decades. The analysis specifically considers whether the documentary narratives create an opportunity for feminist critiques to be heard by a wider audience. In this way, the project contributes to feminist criminologists' efforts to centralize marginalized voices, raise public awareness, and problematize women's criminalization and carceral treatment. The next chapter provides a theoretical foundation for the analysis by connecting Foucault's notion of subjugated knowledge to the documentary format.

Chapter 2: Theoretical Framework

This chapter builds on the conclusions drawn in the literature review regarding the need for public and feminist criminology to better understand specific journalistic formats. It does so by outlining and discussing the specific theoretical tools that are used to think through the connection between documentary narrative and critical criminological discourse. In particular, this chapter explores the notion of ‘subjugated knowledge’, as discussed by Foucault (1976a), and considers how the process of creating a coherent documentary narrative may facilitate discursive subjugation and marginalization. This chapter discusses the theoretical link between subjugated criminological discourse, specifically that of feminist criminology, and the format of documentary narrative.

First, I outline the major points of conflict between the work of feminist scholars and Foucault, specifically regarding notions of ‘critique’, ‘materiality’, and the political role of the ‘intellectual’, and what this means for feminist-Foucauldian work. Since the project is informed by both Foucault’s work and the work of feminist criminologists, it is necessary to discuss the conflicts that arise between feminism and Foucauldian thought and how these conflicts have been reconciled within feminist-Foucauldian literature. Second, I discuss Foucault’s notion of the ‘régime of truth’, which is inextricably linked to the subjugation of knowledge, by drawing out the notion of ‘coherence’ as a central component to the discussion. I also connect literature about the documentary medium with these theoretical concepts and argue that the documentary itself can result in the subjugation of certain knowledges.

Third, I expand the notion of ‘coherence’ by discussing how the narrative is conceptualized within the literature on historiography and documentary filmmaking. I argue that in order to maintain legitimacy a documentary requires ‘internal coherence’, which means that

any conflicting narrative threads must be reconciled in the overarching narrative being told. Finally, I argue that not only is internal coherence necessary for the construction of a ‘coherent narrative’, but that this narrative must also cohere with discourses that have been made to function as ‘true’ within the contemporary régime of truth. Drawing upon feminist critiques of how gendered politics are silenced in contemporary culture, I argue that for a documentary narrative to be ‘externally coherent’ it must exclude feminist discourses, which are then pushed to the margins and situated as ‘no longer relevant’ in a post-feminist culture¹¹.

Feminism and Foucault

The introduction of Foucault’s work into feminist theory has prompted many insightful analyses of women’s experiences of power and the micropolitics of gender. For example, Bartky’s (1988) discussion of disciplinary power as it pertains to the category of femininity allows her to outline a pattern of how patriarchy has modernized its regulation of women’s bodies. She does this by conducting a Foucauldian analysis of the “disciplinary practices that produce a body which in gesture and appearance is recognizably feminine” (Bartky 1988). Haber also uses a Foucauldian framework to analyze the experiences of female bodybuilders and argues that women’s oppression is not only “inscribed on her body” (1996: 142), but that her body can also become a site of resistance. Similarly, Robert, Frigon, and Belzile (2007) argue that the bodies of women prisoners are sites of control in that women are simultaneously responsabilized for their health and denied the ability to have control over their bodies. However, they also recognize that women’s bodies can serve as potential sites of resistance through acts such as self-

¹¹ Post-feminist culture assumes that society has reached an era of gender equality and has consequently moved beyond the need for feminism. As discussed further in the last section of this chapter, many feminist scholars have problematized this post-feminist culture and how it has silenced gendered critique and made invisible the material reality of gender inequality (Brodie 1995; 2008a; Chunn 2007; Guerrina 2006; Sawyer 2006; 2008).

injury or expression through the arts (e.g. drawing, dance, etc.). Bordo (1993) suggests that many of the arguments made by Foucault with regards to the politics of the body were already made by feminist scholars, but that Foucault's work provided a theoretical language that helped feminists to articulate a critique of the body as a site of political struggle.

Despite the contributions that feminist-Foucauldian work has made for thinking through women's experiences, there have been many feminist critiques of his work, particularly with regards to whether it fits with feminism's emancipatory political focus. As discussed in the literature review, political activism and publically oriented work has always been the foundation of feminist criminology and feminism more generally. This question of whether Foucault's work allows a space for political resistance to women's experiences of domination is thus vital to the discussion of whether a Foucauldian approach is useful for feminism.

Feminist Concerns about Foucault

Foucault's work has undergone heavy criticism from many feminist writers who identify his androcentrism (Bartky 1988; Grimshaw 1993; Soper 1993), his disregard for structural aspects of women's domination (Cain 1993; Deveaux 1996; Hartsock 1996; Soper 1993), his conceptualization of resistance as being individualistic (Bartkowski 1988; Grimshaw 1993; Hartsock 1996; Ramazanoğlu & Holland 1993), and his attempt to maintain a position of moral neutrality (McNeil 1993; Ransom 1993). As space does not permit me to fully elaborate on each of these critiques, I focus here on how feminists have challenged Foucault's notion of 'critique' and his understanding of the intellectual's role for its deconstructionist and non-normative stance. The reason for focusing on feminist and Foucauldian articulations of 'critique' is twofold. First, this project is itself a critique aimed at examining the format of documentary narrative. Second, both feminist criminological discourse and the *Fifth Estate* documentaries may be

interpreted as providing ‘critique’, which warrants a more detailed discussion of the different ways in which critique is discussed by feminists and by Foucault. For these reasons, I begin by exploring Foucault’s conceptualization of the notion of ‘critique’ and then I address some of the key feminist challenges and concerns with this conceptualization.

According to Foucault, “critique is not a matter of saying things are not right as they are” (1981: 154), and it is this apparent refusal to make moral claims that some feminist scholars have seen as problematic for socio-political change-making (McNeil 1993; Ransom 1993). Instead of seeing critique as based in moral or value-laden absolutes such as ‘right’ or ‘wrong’, Foucault argues that critique “is a matter of pointing out on what kinds of assumptions, what kinds of familiar, unchallenged, unconsidered modes of thought the practices we accept rest” (1981: 154). This type of work opens up possibilities for transformation, by revealing that things could be other than they are, but does not specify or prescribe what that transformation could or should be. Foucault’s conceptualization of critique extends to the role that he envisions for the intellectual, a person who deconstructs familiar, taken for granted practices that are assumed to be natural in order to open up possibilities for transformation.

For Foucault, the intellectual’s role “is not to tell others what they have to do” (1984: 265) and “it is not up to [them] to propose” (1977b: 197). The intellectual “no longer has to play the role of an advisor” (1975: 62), but can “provide instruments of analysis” (1975: 62) that open up possibilities for struggle and change. According to Foucault, the intellectual’s involvement in political struggles is through the provision of critique that undermines the self-evidence of certain practices, and consequently reveals ways in which resistance and change could take place. Such critique does not require intellectuals to take an explicitly political or moral stance

because they are not making judgment calls about what is right or wrong about a particular power relation or practice, but rather they are revealing how such things operate.

Keeping in mind feminism's emphasis on political and emancipatory action, feminist scholars have argued that Foucault's failure to make moral or normative claims severely limits his political usefulness (Cain 1993; McNeil 1993; Ransom 1993). In fact, Moi argues that "the price for giving into his [Foucault's] powerful discourse is nothing less than the depoliticization of feminism" (1985: 95). For McNeil, Foucault's call for intellectuals to be 'modest' and to avoid making any explicit moral claims could also result in feminism becoming "distanced from the mass of women whom feminism set out to liberate" (1993: 162) through a distancing between the intellectual and emancipatory political movements. According to Ransom (1993), the acknowledgement of emotions and values is necessary for the generation of adequate feminist analysis of conflict and power. Ransom challenges Foucault's "notion of the exteriority of discourse" (1993:139) and argues that it undermines the subjectivity, emotions, and morals bound up in actual gendered experiences. According to Ransom, Foucault maintains a "dichotomy between reason and emotion" (1993: 137), which does not allow for a consideration of how "people's emotional experience impinges on their material reality" (1993: 137). These challenges suggest that Foucault's conceptualization of the intellectual is undesirable for feminism, which requires connection rather than distance from the emotions, values, and morals that characterise women's subjective experiences.

Mopas and Moore's (2012) experience of attempting to foster public discussion about sexual assault in the wake of an incident on their university campus exemplifies the impact that this distancing can have. The authors' attempts to engage in neutral, academically informed critique of the situation resulted in their being perceived as emotionless by the media, which

undermined their credibility in the public realm. This experience led them to argue that “critical criminologists must start to accept people’s fear and anger as legitimate reactions to crime and redirect these emotions towards more productive ends” (Mopas & Moore 2012: 185). Mopas and Moore’s (2012) article demonstrates how, practically and politically, attempts to engage in value-neutral critique can be limiting, distancing, and even delegitimizing.

The purpose of critique for Foucault is to engage in a deconstruction of dominant discourses in order to allow suppressed knowledges to re-emerge by their own accord. Cain (1993), however, challenges Foucault’s strategy by arguing that feminists sometimes need to go beyond the work of deconstruction to play a role in helping subjugated groups to *reconstruct* a new discourse. As mentioned in the literature review, Henry (1994) similarly calls for newsmaking criminologists to engage in “replacement discourse”, which is aimed at introducing alternative discourses into public discussions about crime and criminal justice. This demonstrates further overlap between the efforts of feminist and newsmaking criminology. According to Cain, feminists have done much more than deconstruction work aimed at “clearing the junk out of the road” (1993: 88-89) and argues that they often perform “a midwiving job in relation to an emergent discourse” (1993: 89). Foucault’s refusal to engage in the work of reconstruction, then, limits the political and emancipatory effectiveness of his approach (Cain 1993). In advocating for the necessity of reconstruction work, Cain (1993) emphasizes the importance of occupying the same standpoint as the subjugated groups with whom one is working. This is because in “claiming to assist in jointly constituting the new” (Cain 1993: 89) one is taking a more active role than merely ‘clearing the junk’. According to Cain (1993), then, the work of deconstruction must be balanced with work aimed at occupying a standpoint that is informed by subjugated groups in order to help reconstruct a new discourse.

Feminists have raised serious concerns and challenges regarding Foucault's emphasis on deconstruction as the primary purpose of the intellectual. Not only can such a focus cause distance between the intellectual and the object of study, but an exclusive focus on deconstruction may also stunt political movement towards the liberation of subjugated groups and their discourses from the material experiences of oppression.

Feminism's Need for Foucault

Not all feminists, however, have problematized Foucault's understanding of critique. In fact, there are feminists who argue that his form of analysis is useful when examining feminism itself because it can help the movement to avoid fundamentalism and essentializing conceptions of the category 'woman' (Lloyd 1996; McWhorter 2004; Martin 1988). According to Lloyd, Foucauldian analyses allow feminists to be "aware of the normalizing tendencies within feminism's own discursive practices" (1996: 259). Among these normalizing tendencies is the "nonpatriarchal truth of womanhood" (McWhorter 2004: 149) constructed by feminists in response to concerns about losing a unifying identity. McWhorter argues that even within anti-essentialist feminism there is "a hint of the assumption that [...] we are all still women, and [that] we can rest assured that nothing in feminism will compromise *that*" (2004: 152). Essentialist tendencies have been used within feminism itself to uphold a 'truth of womanhood' for the purpose of holding the movement together under one identity.

According to McWhorter, Foucault's work opens up a space in which to analyze the "phenomenon of becoming rather than of being" (2004: 155). Refusing a universalizing or essentializing conception of 'woman' does *not* mean refusing to take a political stance. On the contrary, destabilizing the category of 'woman' and emphasizing the 'phenomenon of becoming' actually allows for a conceptualization of the varied, shifting, and ever-changing experiences of

womanhood that is necessary if feminists are to advocate for equality and for the eradication of structural barriers that facilitate gendered and intersectional oppression. Black feminist thought exemplifies this refusal to accept an essentializing conception of ‘woman’ by problematizing how the essential category of ‘woman’ does not consider the way that other factors, such as race, class, and sexuality, intersect with gender to create varying experiences of oppression (Hill Collins 2000; Richie 1996). In her book on the developments within Black feminist thought, Hill Collins argues that “an essentialist understanding of a Black women’s standpoint suppresses differences among Black women” (2000: 28). Women’s experiences are highly varied and ever-changing, and therefore cannot be limited to a single category or conceptualization of ‘womanhood’. As Martin (1988) argues, Foucault’s work is useful for analyzing this essential category of ‘woman’, even as it is used in feminism. In this way, Foucauldian deconstructive analysis continues to be a useful tool for engendering reflexivity within feminist discourse.

As mentioned previously, feminists have criticised Foucault for his refusal to go beyond deconstructive critique or to make moral claims. This is a concern because many feminists argue that values, morals, and emotions are intrinsic to the analysis and political activism of feminism (Cain 1993; McNeil 1993; Ransom 1993). In addressing reservations about Foucault’s lack of a normative framework, feminists such as McLaren (2002; 2004) and Vintges (2004) argue that Foucault implicitly and strategically *does* appeal to moral norms while at the same time avoiding explicit universalism or fundamentalism. McLaren suggests that while Foucault does not explicitly endorse universal norms or a normative framework, his “skepticism allows him to *strategically appeal* to norms” (2002: 22, emphasis added). Foucault’s approach is useful because it facilitates critique of familiar and unchallenged discourse and practice, through the work of deconstruction, without necessarily denying the opportunity for moral and practical

claims to notions such as freedom and equality. According to McLaren, Foucault “clearly opposes domination” (2002: 22) and therefore strategically and implicitly commits to a normative position of being ‘antidomination’ (2002: 165). Similarly, Vintges argues that “Foucault wants everyone to have access to the domain of freedom practices” (2004: 287), which is a position she sees as an “ethical universalism” that “opposes any imposition of absolute truths” (2004: 287). Thus, not only does Foucault’s work reveal itself to have implicit normative appeals to ‘antidomination’, but these implicit norms also align with the emancipatory political aims of feminism. In fact, McLaren argues that Foucault’s work to delineate the relationship between the technologies of the self and politics is actually “a necessary prerequisite for social and political action” (2002: 164). In this way, feminists have recognized the political usefulness of Foucault’s ability to implicitly and strategically position himself against domination without explicitly endorsing a form of universalism or fundamentalism.

In contrast to those feminists who argue that Foucault’s work may depoliticize feminism, there are several who argue that his ‘politics of critique’ is actually *necessary* to feminism and to political activism (Aladjem 1996; Howe 1994; Lloyd 1996; McLaren 2002; 2004). In fact, Aladjem argues that feminists and Foucault “often articulate different aspects of the same critical space” (1996: 284). This critical space involves questioning and challenging the ‘truth’, and Foucault approaches this type of deconstruction work as a political practice in itself. Even feminist critics of Foucault who emphasize the need for reconstructing discourse, such as Cain (1993), recognize the necessity of deconstruction work or the questioning of ‘truth’. In her discussion of Foucauldian politics, Lloyd argues that Foucault’s work on critique serves a political function by problematizing the processes by which practices and discourses are established and assumed to be natural. By revealing how practices and discourses become

established, Foucault's work also exposes that "they are all open to review, to change" (Lloyd 1996: 244). According to Lloyd, it is this 'politics as critique' that opens up the possibility for a 'politics of refusal'. In other words, critique, through the deconstruction of 'truth', exposes opportunities for (re)negotiating the way that things are and resisting and transforming existing power relations.

In her discussion of Foucault's relevance to the establishment of a feminist analysis of penalty, Howe recognizes that Foucault "has insufficiently specified the form of both the analysis and of the struggle required to transform penal regimes" (1994: 121). That said, she also argues that radical activism can be informed by postmodern feminism's work to "breach the self-evidence of 'women' *and* of coercive and disciplinary practices" (Howe 1994: 217). Like Aladjem (1996) and Lloyd (1996), Howe (1994) understands the work of critique and deconstruction as being an integral part of feminism and argues that radical practice and activism needs to engage in a "self-scrutinizing refusal to ground a radical politics in a universal oppression or a common identity" (1994: 217). While such work may not specify a way forward, it is necessary in order to demonstrate that things need not be the way that they are; it allows for "breaching the self-evidence of the familiar" (Howe 1994: 120). In contrast to those feminists who challenge Foucault's emphasis on deconstruction and critique, many have argued not only that Foucault implicitly positions himself as 'antidomination', but also that Foucauldian analysis is absolutely necessary for feminism and its political and change-making efforts.

Feminist engagement with Foucault is highly varied and marked by many tensions regarding the political usefulness of Foucauldian critique and deconstruction. These tensions raise the question of whether it is possible to engage in change-making by "breaching the self-evidence underlying the familiar" (Howe 1994: 120). For the purposes of this project, I position

myself with those feminists that argue for the political necessity of engaging in Foucauldian critique and the deconstruction of ‘truth’. This project provides a Foucauldian questioning of the ‘truth’ constructed in the *Fifth Estate* documentaries on Ashley Smith in order to better understand how certain knowledges, such as those advanced in feminist criminology, become either known or subjugated. For this reason, the following section outlines Foucault’s notions of the ‘régime of truth’ and ‘subjugated knowledge’ and identifies how they connect to the specific format of the documentary narrative.

Documentary Making and the Politics of Truth

Subjugated Knowledge and the Régime of Truth

In an interview entitled “Truth and Power” (1977a), Foucault elaborates on the concept of the ‘régime of truth’, which he argues to be central to the functioning of each society. The ‘regime of truth’ is also referred to as a “general politics of truth” (Foucault 1977a: 131), which reveals how Foucault conceptualizes truth production as bound up with politics. According to Foucault, a society’s régime of truth or its “general politics of truth” is comprised of

the types of discourse which it accepts and makes function as true; the mechanisms and instances which enable one to distinguish true and false statements, the means by which each is sanctioned; the techniques and procedures accorded value in the acquisition of truth; the status of those who are charged with saying what counts as true (1977a: 131).

A régime of truth is more than an ideology or a set of beliefs; it is an entire system through which statements of ‘truth’ are constructed and given legitimacy. One of the problems with the notion of ideology is that “it always stands in virtual opposition to something else which is supposed to count as truth” (Foucault 1977a: 118). For the intellectual using the notion of ideology, there is the possibility of slipping into the role of a “prophet” who merely proposes a new ideology to replace the old one (1977b: 197). By shifting away from the notion of ideology

towards that of the régime or ‘general politics’ of truth, Foucault opens up a space for intellectuals to challenge the “political, economic, institutional régime of the production of truth” (1977a: 133) rather than merely criticise “ideological contents”. This aligns with his understanding of the intellectual’s purpose, which is to critique and destabilize that which is seen as self-evident without imposing normative claims or specific strategies for change.

Foucault also argues that the construction of “global, totalitarian theories” (1976a: 80), which is made possible through a society’s régime of truth, is highly problematic because it leads to the subjugation of certain knowledges. By global, totalitarian theories, Foucault refers to theories that “attempt to think in terms of a totality” (1976a: 81) and that seek to explain social life through a global, overarching theory or set of theories. When these global, totalitarian theories are made to function as true through the régime or politics of truth, more localized, non-centralized theories that may not cohere or that do not seek a global explanation for social life are subjugated and rendered illegitimate. Foucault uses the term ‘subjugated knowledge’ to refer to two things, the first being “the historical contents that have been buried and disguised in a functionalist coherence or formal systemisation” (1976a: 81). The second type of subjugated knowledge includes those that are deemed “beneath the required level of cognition or scientificity” (1976a: 82). Both types of subjugated knowledge are buried or excluded from systemized and legitimate bodies of thought either because they do not cohere to the global, totalitarian theories being proposed or because they are not considered sufficiently scientific.

‘Coherence’, which references the first type of subjugated knowledge, is a notion that I expand upon in the rest of this chapter, and indeed throughout the rest of this thesis. In discussing his genealogical work, Foucault states that,

[w]hat it [genealogy] really does is to entertain the claims to attention of local, discontinuous, disqualified, illegitimate knowledges against the claims of a unitary body of theory which would filter, hierarchise and order them in the name of some true knowledge. (1976a: 83)

Although this project is not one of genealogy, it does work to juxtapose subjugated knowledge against a coherent documentary narrative, which filters and hierarchises knowledge to reveal a ‘truth’. Using the notions of ‘coherence’ and ‘subjugated knowledge’ in the context of documentary analysis requires a departure from the initial context in which Foucault discusses them. When conceptualizing these terms, Foucault links coherence to history and to a body of knowledge that is constructed over time. Instead of looking at a unitary body of theory through the lens of history, this project analyses the truth(s) constructed around a particular event, specifically the death of Ashley Smith. Foucault’s notion of coherence and how it results in the subjugation of knowledge is used as an instrument through which to approach the analysis. While the way in which this theory will be used may differ from its original context, Foucault’s “notion of theory as a toolkit” (1977c: 145) and his invitation to “transform [his] tools or use others” (1976b: 65) provides the space for modifying his theoretical tools to suit the particular analytic goals of this project.

Defining Documentary

Since I use the notion of coherence in the context of the documentary narrative instead of a unitary body of theory, it is necessary to provide a theoretical conceptualization and a broader discussion of the documentary. The documentary as a form of communication is often understood as being distinct from fictional films based on the view that documentaries are founded in fact and thus offer truth through their narrative content. When this distinction is analysed, however, the boundaries ostensibly separating documentary from fictional films

become ambiguous and variable (Eitzen 1995; Nichols 1991; 2010). Furthermore, there are several different opinions on the criteria that should be used to characterize documentary films. For example, films can be attributed to the category of ‘documentary’ based on the label provided by the filmmakers (Eitzen 1995), the fact that they address some example of material reality (Nichols 2010), or because they possess a “goes without saying” quality (Nichols 2010: 17). As demonstrated by the variation surrounding the categorization of films as documentaries, there is no easy or concise way to define documentary films or to distinguish them from fictional films.

Although the distinction between documentary and fictional films is variable and often unclear, there are still particular differences between the two. One of these differences is that the interactions, events, and practices represented in a documentary have some basis in material reality. As Nichols states, in documentary films “material practices occur that are not entirely or totally discursive, even if their meanings and social value are” (1991: 109). In fictional films, the practices that are represented are fully discursive, in that they have no material basis outside of the discourse of the film. The practices represented in documentaries, however, have some material basis despite the socially constructed nature of the film making process. Due to the fact that documentaries purport to represent the historical world directly, they also make arguments or propositions about the historical world (Nichols 1991). While the arguments brought forth in fiction may parallel or provide commentary on the social world, non-fiction documentaries directly comment on events or practices that are occurring or have historically occurred.

Despite its connections to material reality, documentary films must be constructed and “the logic underlying a documentary film supports an underlying proposal, assertion, or claim” (Nichols 2010: 23). Although documentaries focus on particular events or practices that occur in

historical reality, the way in which reality is represented and the implicit or explicit propositions that accompany this representation point to the socially constructed nature of the documentary. In the process of constructing the film there are specific decisions that need to be made such as what information to include, how to represent that information (e.g. via interview, voice-over, or re-enactment), and how to organize pieces of information to create the narrative of the documentary. In the midst of this process, there is a need for a “narrative [that] perfects the sense of an ending” (Nichols 2010: 132). Documentary film, then, imposes coherence to particular historical events or practices through the construction of an overarching narrative.

As previously discussed, Foucault argues that the construction of global, totalitarian theories necessitates coherence, which results in the subjugation of knowledges that cannot be made to cohere. Since this notion of coherence is also highly relevant to the documentary medium, the process of documentary making can also be understood to subjugate or silence knowledges that do not cohere with the narrative being expressed in the film. The notion of imposed coherence, then, is significant when it comes to understanding the social construction of the relevant bodies of theory *and* documentaries. For this reason, the next two sections of this chapter expand on the notion of coherence and its connection to documentary making by distinguishing and drawing connections between two types of coherence that I term ‘internal’ and ‘external’ coherence. By ‘internal coherence’ I refer to the structure of the narrative and logic of the documentary itself, and by ‘external coherence’ I refer to the relationship between the documentary narrative and relevant associated socio-political discourses.

Internal Coherence

An internal organizing logic that makes sense of the event or practices being discussed is necessary to the construction of a documentary. Nichols refers to this “informing logic that

organizes the film” (2010: 21) as ‘documentary logic’. He argues that the documentary logic will often take the form of problem solving and that its structure “can resemble a story” (2010: 21). According to Nichols (1991), documentary logic is distinct from the ways in which narrative is used in fictional films. Narrative coherence in fictional films is used for the purpose of plausibility and consistency in the story being told, whereas documentary logic carries with it elements of analysis and argument (Nichols 1991). Both documentary logic and narrative coherence in fictional films “are organized in relation to the coherence of a chain of events, which depends on the motivated relationship between occurrences” (Nichols 1991: 125). Documentary logic, however, goes beyond providing a coherent story; it also “supports an underlying proposal, assertion, or claim about the historical world” (Nichols 2010: 23). The purpose for Nichols’ (1991; 2010) distinction between documentary logic and narrative coherence in fiction, then, is to emphasize how the organization of a documentary operates not only to tell a plausible story, as in fiction films, but also to put forward propositions and moral claims about a particular event or practice that is based in historical reality. The coherence constructed within a documentary therefore has an inherently moral and political purpose.

Nichols’ use of the term ‘documentary logic’ is not intended to suggest that narrative coherence is important only in fictional films. On the contrary, he argues that “documentary can depend on narrative structure for its basic organization” (Nichols 1991: 6). Narrative coherence can be used in a documentary to provide the film with the logic necessary to make arguments or moral claims about a particular historical reality. In fact, White, in discussing historiography, argues that “where, in any account of reality, narrativity is present, we can be sure that morality or a moralizing impulse is present too” (1987: 24). He uses the term ‘narrativize’ to refer to “impos[ing] upon [reality] the form of a story” (White 1987: 2). The use of narrative to organize

the representation of a historical reality is inextricably linked to the imposition of moral claims and arguments. The purpose and role of narrative coherence in documentaries therefore goes beyond ensuring the plausibility of a story; it also allows documentarians to bring arguments and propositions about the reality being represented to the foreground.

For the purposes of conducting documentary analysis, it is useful to distinguish between two types of narrative: self-narratives and grand overarching narratives. Many analyses of narratives within the social sciences focus on ‘self-stories’ and their connection to identity and social action (Brookman, Copes, & Hochstetler 2011; Katz 1988; Presser 2012; Riessman 1989; Sandberg 2010; 2013). According to Presser, “narrative criminology seeks to explain crime and other harmful action as a function of the stories that actors and bystanders tell about themselves” (2012: 5). In this form of analysis, then, it is the self-narratives that people tell about ‘what happened’ that are relevant. Furthermore, the focus is not on whether the narrative being told is ‘true’, but instead on what it says about how that person has established their identity and made sense of their actions and experiences (Presser 2012; Sandberg 2010). Self-narratives can therefore be conceptualized as the way in which individuals explain, rationalize, and impose meaning upon their own experiences and actions. Narrativization in this individual sense is thus intricately bound up with identity work.

Grand narratives, however, are connected to a régime of truth through which they are given legitimacy and understood to depict ‘truth’ (Foucault 1976a; 1977a). As White identifies, the plot in a historical narrative is always “presented as ‘found’ in the events rather than put there by narrative techniques” (1987: 21). Similarly, Nichols argues that in documentary films “[e]vidence is put to use [to] [...] serve the film’s overall purpose” (2010: 35). In this way, grand narratives, and the arguments about the social world that they advance, are often presented as

directly speaking ‘truth’ about the events and practices represented. Rather than telling us about how individuals make sense of their experiences, grand narratives provide a lens and structure through which events or sets of practices can be understood and imbued with meaning.

Returning to Nichols’ (1991; 2010) discussion of documentary logic, documentaries can be understood as constructing a grand narrative of a particular event so as to make arguments or propositions about historical reality.

Despite this distinction between self-narratives and grand narratives, both are artificially organized and imposed through their generation of a sense of coherence. Riessman and Quinney distinguish narrative from other forms of discourse based on how “events are selected, organized, connected, and evaluated as meaningful” (2005: 394). Similarly, White argues that narratives resolve the “problem of fashioning human experience into a form assimilable to structures of meaning” (1987: 1). Both forms of narrative, then, provide a structure through which to organize and make sense of a particular event, experience, or set of practices. They are distinct in that self-narratives provide insight into how the individual understands their experiences and constructs their identity, whereas grand narratives are constructed in order to make arguments and propositions about how an event or set of practices should be understood. These two forms of narrative, however, are intricately connected. In documentaries, for example, self-narratives, through the medium of the interview, often help to comprise the grand narrative that is being constructed. This means that documentaries can be analysed both in terms of self-narratives, the grand overarching narrative, and the interactions between them.

According to White (1987), problems arise when one is trying to narrativize or impose a narrative upon reality and consequently narrativity poses a particular problem for historians.

White argues that “it is because real events do not offer themselves as stories that their

narrativization is so difficult” (1987: 4). In reality, events do not have inherent narratives or organizing logics, which means that representing an event in a coherent way requires the imposition of a narrative. This process of narrativization fulfills the desire for closure, moral meaning, and significance in how real world events are understood:

This value attached to narrativity in the representation of real events arises out of a desire to have real events display the coherence, integrity, fullness, and closure of an image of life that is and only can be imaginary (White 1987: 24).

In this way, narrativity allows events to be given a sense of coherence and organization that does not necessarily exist. It is this coherence that also allows historical and documentary narratives to present meaningful arguments and moral claims about the events and practices they represent.

Although the use of narrative can help explain and make sense of an event, it can also be problematic in its subjugation of knowledge or discourses that threaten the internal coherence of the narrative. According to White, “[e]very narrative, however seemingly ‘full’, is constructed on the basis of a set of events that might have been included but were left out” (1987: 10). This not only emphasizes the inevitability of events or points of view being left out of the narrative, it also suggests that the coherence of the narrative and its appearance of ‘fullness’ actually *necessitates* the exclusion of certain aspects. In discussing the documentary and its narrative, Nichols states:

Narrative trajectory, in its classic form, suppresses difference and effects closure. It gives resolution. Contradictions appear and ramify only to be vanquished. Identifications and references get tilted onto the moving chain of events, of actions, and enigmas, that sweep (or drift) towards a conclusion (1987: 12).

In order for the documentary narrative to ‘effect closure’, it must resolve any contradictions and differences that are introduced by the self-narratives (i.e. interviews). Furthermore, pieces of evidence must be ‘tilted’ or represented in a way that coincides with the overarching narrative trajectory and with the argument(s) being presented.

As previously discussed, narratives do more than tell a plausible story; they are used to construct an argument about a historical reality (Nichols 1991; White 1987). Consequently, the narrative that is constructed will be different depending on the argument the filmmakers are attempting to advance. In the process of narrativity, references and evidence are ‘tilted’ in order to narrativize the event in a way that coincides with and supports the propositions being made. The consequences of narrativity, when it comes to tilting references and subjugating knowledges and differences, are similar to those discussed by Foucault with regards to global, totalitarian theories. The social world (and discourses produced about it) does not present itself in a coherent, unitary manner. Achieving coherence then, whether through narrativity or the construction of a unitary body of theory, necessarily requires the subjugation or manipulation of events and discourses about them.

Paradoxically, narrativity results in subjugated and marginalized discourses while simultaneously operating as a means of making these subjugations invisible. According to Chanan, the absence of certain information in documentaries is “normally suppressed in the process of editing, that is, of achieving narrative or discursive or poetic coherence” (2008: 124). The fact that some knowledges remain invisible or subjugated is thus masked by processes of narrative construction. As White (1987) points out, since narratives create the appearance of ‘fullness’ it appears as though all the relevant facts and details were included. The impression of fullness and coherence constructed by narrativity thereby disguises the very processes of selection and subjugation that are necessary for achieving it.

Chanan also argues that there are some concepts “which defy visualization, like the infamous ‘invisible hand of the marketplace’” (2008: 129) and that some invisibilities exist because of practices and events that are “hidden away from us” (2008: 127). To visually capture

and provide a critique of the operation of a system, for example, is limited by difficulties associated with achieving visualization because often “all we can see are its symbols and symptoms” (Chanan 2008: 127). In this way, invisibilities and absences in documentary films can occur as a result of the limits of visual representation. The notion of social and political marginalization, which is frequently used in feminist criminological literature to contextualize women’s offending, is an example of a concept that is difficult to represent visually. While there are images and symbols that could point to marginalization, they would be limited in how they could represent or critique the actual *process* of this marginalization; an image would only be able to focus on one particular aspect or symptom of this issue. Regardless of the material impact that it has on criminalized women, there is no direct or universal means of visually representing notions such as social and political marginalization. Absences in documentary narratives, both those that result from the process of narrativity and those that result from limits to visual representation, are masked by the coherence of the grand narrative.

Narrativity in the documentary creates an internal coherence that subjugates discourses that do not cohere while simultaneously rendering these absences invisible. While narratives allow for sense-making and fulfill the desire for coherence in our understanding of events, the consequences of constructing a narrative require critical attention and analysis. In order to facilitate propositions and arguments about the particular event or practices being represented, the documentary narrative needs to be internally coherent. As I discuss in the following section, there is also a need for the narrative and its arguments to cohere with discourses that were made to function as true by the régime of truth, which I refer to as external coherence.

External Coherence

Coherence to discourses produced by the régime of truth is necessary in order for statements to be given legitimacy. As mentioned previously, a régime of truth is more than an ideology; rather, it is an entire system that produces and allows certain statements and discourses to function as ‘true’ (Foucault 1977a). Rather than being a particular set of beliefs, the régime or politics of truth is a system through which ‘truth’ is produced. Discourses that are not produced or legitimized within a society’s general politics of truth are subjugated and rendered illegitimate and even incoherent.

In order for the propositions and arguments of a documentary’s narrative to lay claim to any legitimacy they must draw from discourses that have been rendered ‘true’. I argue that only “the types of discourse which [the régime of truth] accepts and makes function as true” (Foucault 1977a: 131) can be used to construct the narrative of the documentary if it is to be externally coherent. Moreover, knowledges that are not produced and legitimated within this régime or general politics of truth are not likely to be considered by the documentary filmmakers since they are working within this régime. In discussing the notion of ‘external coherence’, I focus particularly on contemporary understandings of gender equality, as they are highly significant to how feminist criminology is viewed culturally and politically. While I could have focused on other discourses produced within the current régime of truth, centring this discussion on gender politics allows me to consider the discursive context surrounding the *Fifth Estate* documentaries that is specifically connected to the (il)legitimacy of feminist critique.

Since a régime of truth is not a specific set of ideas but a system for the production of knowledge, it is a site where struggles for the definition of ‘truth’ occur. These struggles surrounding ‘truth’ are not struggles in defence of truth or ‘for truth’, but rather they are about

“the ensemble of rules according to which the true and the false are separated and specific effects of power attached to the true” (Foucault 1977a: 132). Such struggles over the definition of ‘truth’ indicate that discourses produced and legitimated within the politics of truth can change.

Consequently, discourses once made to function as ‘true’ may lose their legitimacy. Feminist scholars argue that there has been a discursive shift within the politics of gender that has led to assumptions of gender equality and to the silencing of gendered critique (Brodie 1995; 2002; 2008a; Chunn 2007; Guerrina 2006; Jenson 2008; Sawyer 2006; 2008). As such, feminist concerns are no longer given legitimacy within a régime or politics of truth that produces neoliberal discourses that claim contemporary society has reached a state of gender equality. I now turn to discuss the silencing of feminist and gendered critique in order to contextualize the documentaries within contemporary feminist and gender politics.

Feminist Politics in the Age of ‘Equality’

The silencing of feminist critique and concerns over gender equality in our current socio-political climate must be situated within the context of neoliberalism, which is a “governing philosophy [that] prioritizes economic growth and market logics over all other goals and instruments of public policy” (Brodie 2008b: 169-170). In her useful overview of neoliberalism and its connection to gender issues, Kingfisher (2002) discusses neoliberalism as both a cultural system and a politico-economic rationality. Economically, the shift from the welfare state to neoliberalism involved, among other factors, the minimization of social welfare programming and efforts to deregulate the market. Culturally, this shift involved the construction of a particular neoliberal personhood: “the rational, independent individual” (Kingfisher 2002: 16). Instead of considering the structural basis of inequalities or recognizing collective needs, neoliberal discourse emphasizes individual responsibility for one’s fate and discursively

constructs expectations of neoliberal personhood, such as the “risk-avoiding, ‘responsibilized’ sexual citizen” (Gotell 2007: 135), the “self-reliant citizen” (Snider 2006: 331), and the “rational, independent individual” (Kingfisher 2002: 16). Juxtaposed against these aspects of neoliberal personhood are notions of the ‘never-deserving’ poor (Chunn & Gavigan 2006: 233), “‘unworthy’ victims” (Gotell 2007: 150), and irrationality and dependence (Kingfisher 2002: 15). The binaries constructed by neoliberal discourse reframe social and structural inequalities in a way that attributes them to the individual, who becomes a failed neoliberal citizen.

The construction of this neoliberal personhood has particularly impacted women’s experiences of criminalization and incarceration. Specifically, the needs emerging from experiences of social, economic, and political marginalization are reconstituted as risks, and prisoners are recast as ‘risks’ to society that must be managed (Hannah-Moffat 2005). Within such binary discourse and logic, women prisoners are expected to become ‘transformative risk subjects’ by allowing themselves to be transformed into “prudent and rational risk managing subject[s]” (Hannah-Moffat 2005: 34). This implies that it is not the social, economic, and political marginalization that is problematic, but rather the individual woman, who must take on the identity of neoliberal personhood in order to be rehabilitated or ‘fixed’.

The individualist focus of neoliberalism undercuts feminist analyses of structurally based gender inequality. In her discussion of women’s policy agencies attempting to operate within a neoliberal paradigm, Teghtsoonian states:

A key source of tension between neoliberalism and the interests of diverse groups of women is the normative and practical privileging of the individual that lies at the heart of neoliberal ideology. This philosophical stance is antithetical to feminism’s focus on women’s collective social and political disadvantage (2006: 145).

Since feminist analyses prioritize consideration of how structural factors contribute to unequal gendered relations, neoliberalism’s emphasis on individualism undermines the very grounds on

which feminist claims are made. In effect, neoliberalism has closed the discursive space in which issues of substantive inequality between different social groups can legitimately be raised and has replaced it with a discourse that erodes the relevance of gender by “constructing both men and women as genderless individuals and, optimally, as self-sufficient market actors in pursuit of self-interest, freedom, and choice” (Brodie 2008b: 170). In this context, formal equality is valued over substantive equality, women’s issues are recast as special interest issues, and a space is opened up for feminist backlash that demonizes feminists and other equality seeking groups.

In introducing her discussion of contemporary gender politics in Canada, Brodie argues that women’s equality seeking groups have been displaced by the notion that “we are all equal now” (2008a: 160). Despite claims of gender equality, feminist scholars point to the persistence of gender inequalities in Canadian society and in Canadian law and policy (Brodie 1995; 2008; Chunn 2007; Kingfisher 2002). According to Chunn (2007) and Sawyer (2008), this paradox can be attributed to the conflation of substantive equality with formal equality. The notion of formal equality equates equality with ‘sameness’, ‘gender neutrality’, and ‘identical treatment’ (Chunn 2007: 42). An emphasis on formal equality assumes that achieving gender equality merely entails the identical treatment of men and women and the creation of policies that are ‘neutral’. Sawyer argues that this allows no space for the “special treatment of groups in order to achieve more substantive equality of opportunity” (2008: 135). Formal equality addresses the overt and explicit aspects of gender inequality, such as the earning of the right to vote or the right to be persons under the law, and subsequently “leaves the ideological and structural bases of inequality intact” (Chunn 2007: 50). Conflation of formal equality with substantive equality allows for a “veneer of equality” (Kingfisher 2002: 29) despite the persistence of gendered disadvantages.

Connected to the emphasis on formal equality is the notion of ‘gender mainstreaming’, which, in theory, involves integrating “a gender sensitive approach in all areas of policy-making rather than limiting such efforts to distinct women’s rights policies” (Guerrina 2006: 179). Although, as both Guerrina (2006) and Sawer (2006) argue, gender mainstreaming has been used to merely add women into existing policies rather than allowing a space for the consideration of gender in all areas of life. According to Brodie, it “can mean that gender-based analysis is both ‘everywhere and nowhere’ in government” (2008a: 157). Ostensibly, gender mainstreaming presumes that gender sensitivity is dispersed in a way that positively impacts the daily experiences of all women. Feminist critics suggest that in practice gender mainstreaming “serve[s] to silence women and remove gender from the political agenda” (Guerrina 2006: 181). As Sawer (2006) discusses, gender mainstreaming allows the state to avoid responsibility for issues of gender (in)equality. Taken together, gender mainstreaming and the emphasis on formal equality create an *appearance* of gender equality that renders illegitimate feminist claims regarding the persistence of substantive and structural inequality.

An example of formal equality and gender mainstreaming at work in women’s corrections is the disjuncture between the purported and the substantive impact of *Creating Choices* (TFFSW 1990). As discussed in the literature review, *Creating Choices* (TFFSW 1990) appeared to indicate a turn towards women-centered corrections, but in practice it further entrenched incarceration as a response to women’s offending. Women’s corrections in Canada directly appropriates the language of ‘empowerment’ and ‘dignity’ from *Creating Choices* (TFFSW 1990) and the feminist movement more broadly in order to maintain an *appearance* of being ‘women-centered’ and gender equal, which consequently undercuts the claims and critiques posed by feminist criminologists.

Under this veneer of equality, feminists and other equality-seeking groups are recast as special interest groups, which suggests that their advocacy work runs counter to the needs and interests of ordinary Canadians (Brodie 1995; 2002; 2008a; Sawyer 2006; 2008; Vickers 2006). Instead of being recognized as a socially significant equality-based movement, the women's movement, and the feminists involved in it, are regarded as "a self-interested lobby group" (Brodie 1995: 69) with "unrepresentative special interests" (Sawyer 2008: 130), as "a selfish coalition" (Brodie 2002: 96), and even "as part of a rent-seeking elite wanting to live on other people's taxes" (Sawyer 2006: 127). Running throughout this recasting of women's interests as special interests is an assumption that equality has already been reached. This appearance of gender equality causes any attempts to seek substantive equality to appear as selfish efforts to gain an unfair advantage in a way that privileges women over men. As Sawyer states:

Thirty years ago the idea of equal opportunity meant making claims on the state to ensure that all women, as well as men, had the opportunity to develop their full potential and to participate equally in the life of the community. Today such claims are decried as an elite agenda pursued at the expense of ordinary citizens and taxpayers. (2006: 112)

The neoliberal emphasis on individual responsibility and the guise of gender equality combine to make equality-seeking efforts in contemporary times appear to reflect an elite agenda. Feminists and other equality-seeking groups are no longer seen as desiring equality, but rather as seeking an unfair advantage off the backs of 'ordinary taxpayers'. Consequently, calls for structural change to ameliorate the material experiences of marginalized and disadvantaged groups are delegitimized through their characterization as unfairly and selfishly privileging the needs of a special interest group over those of ordinary citizens.

Not only has the women's movement been recast as illegitimate and unnecessary in contemporary times, but a current of anti- and post-feminist sentiment has also developed. Feminists themselves are regarded as "the enemies within" (Brodie 1995: 68) and are

“demonized” (Sawer 2008: 127) along with other equality-seeking groups. In fact, Brodie identifies that “journalists commonly joked that feminism had become the new ‘F’ word on Parliament Hill” (Brodie 1995: 67). In researching the emergence of anti-feminist sentiment online, Menzies (2007) found that feminists are “cast beyond the pale of good nationhood and citizenship” (75) and are represented as “subvert[ing] men’s rights” (83), “endanger[ing] men’s health and safety” (85), and as “a threat to the nation” (75).

Much anti-feminist sentiment has also come from a Canadian women’s group called REAL (Realistic, Equal, and Active for Life) Women that was established in 1983. REAL Women claims to represent the values and interests of Canadian women, and yet “actively opposes equal-pay-for-work-of-equal-value, reproductive choice, and greater constitutional protection of women’s rights” (Brodie 1995: 69). In the mid-1980s this anti-feminist group argued that feminist organizations were unrepresentative of Canadian women and should thus receive less funding from the government (Brodie 2008a). The anti-feminist sentiment of such organizations serves to further delegitimize attempts to seek substantive equality for marginalized and disadvantaged groups.

Feminist criminology has also experienced its own specific backlash in the form of “equality with a vengeance” (Smart 1995: 42), which has resulted in increasing rates of incarceration for women. Feminist arguments that women had specific needs and should not be considered “too few to count” were reframed in anti-feminist discourse as indicating that the judicial system was too lenient on women. Moreover, the publication of books such as *When She Was Bad: How and Why Women Get Away With Murder* (Pearson 1998) further demonize female offenders and their advocates by suggesting that consideration of women’s experiences of victimization and marginalization allows them to “get away with murder”. The consequence of

such anti-feminist sentiment directed specifically at feminist criminological claims has been the justification for tougher punishments and longer sentences for women.

In our current régime of truth, feminist claims are routinely challenged by mainstream discourses and therefore do not function as ‘true’. On the contrary, the veneer of equality that recasts women’s interests as ‘special’ interests and the onslaught of anti-feminist backlash have created a climate in which being a feminist is equated with taking a stand *against* equality, justice, democracy, and Canadian interests. Since this project juxtaposes the narrative of the *Fifth Estate* documentaries against the claims of feminist criminology, the marginalization and discursive disappearance of feminism within the contemporary régime of truth is highly relevant. In order to produce legitimate statements of ‘truth’, there is an expectation that the documentaries must externally cohere to discourses of individualism and gender neutrality.

Conclusion

This chapter examined how a documentary does more than simply tell a story; it puts forward arguments and moral claims about a particular event or set of practices. In order to make an argument or claim about the reality being depicted, a documentary must maintain a sense of coherence, both internally and externally. Internal coherence requires the construction of an overarching narrative that reconciles the internal contradictions between different self-narratives and imposes an order upon the events being discussed. External coherence refers to how the claims being made within the documentary need to cohere with discourses that have been made to function as ‘true’ within the contemporary régime of truth if they are to successfully make sense of and impose meaning upon an event. Even when the aim of a documentary is to provide critique of an incident, such as in the *Fifth Estate* documentaries, there is still an expectation that the critique being advanced maintain a sense of internal and external coherence. It is this

imposition and construction of coherence that allows both the documentary's argument and the event itself to be comprehensible to the broader audience.

As Foucault suggests, however, emphasizing coherence may cause certain knowledges to be subjugated. Similarly, White argues that the process of narrativization necessarily requires leaving out certain things. In light of this, I suggest that documentaries can be analysed in terms of their narrative coherence and the critiques or discourses that are subjugated. It is this subjugation of knowledge for the purposes of internal and external coherence that this project analyzes through a case study of the *Fifth Estate* documentaries on Ashley Smith. In the next chapter, I discuss the three layers of analysis, drawn from the literature on narrative analysis, that comprise the methodological approach used for this project. This multi-layered narrative analysis approach facilitates consideration of how the documentaries construct an internally and externally coherent narrative and argument about the Smith case.

Chapter 3: Methodology

In this chapter, I outline the methodological approach used to analyse the *Fifth Estate* documentaries. First, I discuss how abductive reasoning and sensitizing concepts guided the analytic process. Second, I outline the benefits of case study analysis particularly as they pertain to generating analytic richness and depth. Third, I describe the process involved in transcribing the documentaries. Finally, I discuss and describe in detail the three layers of analysis adapted from narrative social scientific inquiry that together comprised the analytic strategy: analysis of individual scenes, analysis of documentary narrative structure, and contextualization. By delineating an approach that draws on the tools of narrative analysis, the methodology incorporates the theoretical discussion of narrative coherence outlined in the preceding chapter.

To briefly restate the key research question that guided the development of this project, it is: *How do the CBC Fifth Estate investigative documentaries, Behind the Wall and Out of Control, make sense of the death of Ashley Smith?* In no particular order the sub-questions of the project are: *How does the documentary either subjugate or consider gendered critique and feminist criminological discourse? How are the various scenes brought together to advance the narrative and to propose arguments or claims about the event? Is coherence maintained throughout the documentaries, and, if so, how?* The methodological approach outlined in this chapter was designed to answer these questions.

Abductive Reasoning and Sensitizing Concepts

Before delving into a discussion of the specific analytic approaches used, I outline two methodological tools that guide the project: abductive reasoning and sensitizing concepts. The previous chapter delineated a theoretical connection between the medium of documentary

narrative and Foucault's conceptualizations of régime of truth and subjugated knowledge. While this theoretical foundation guided the analysis, it was not used in a deductive or theory-testing manner. Instead, my theoretical framework provided a *tool* for initiating the analytic process, which involved going back and forth between the documentaries and theory, rather than testing the theory through data (i.e. deduction) or using the data to create a theory (i.e. induction).

According to Alvesson and Skoldberg (2009), abductive reasoning is a combination of inductive and deductive reasoning which involves moving back and forth between using a theory to explain a single case, and using the case to strengthen or modify the theory. They define deductive reasoning as “proceed[ing] from a general rule and assert[ing] that this rule explains a single case” (Alvesson & Skoldberg 2009: 3) and inductive reasoning as involving “a risky leap from a collection of single facts to a general truth” (Alvesson & Skoldberg 2009: 3). Alvesson and Skoldberg (2009) argue that, when used as exclusive or oppositional modes of reasoning, these approaches are highly limited. As a solution they propose abductive reasoning, which involves using a theory to interpret a single case *and* using that case to strengthen the theory. In this way, the empirical data is used to both ground one's theoretical concepts and framework, and to highlight new concepts or factors that can contribute to the theory.

Alvesson and Skoldberg's (2009) discussion of abductive reasoning is useful for this project since the analysis of the documentaries is neither purely deductive nor purely inductive. Before beginning to analyse the *Fifth Estate* documentaries, I used the theoretical framework to develop sensitizing concepts, which proved to be useful analytic tools. According to Blaikie, sensitizing concepts are used as “clues and suggestions about what to look for” (2000: 137). Sensitizing concepts allow the researcher to start out with a few loosely defined concepts as ‘things to look for’, which are then further defined and shaped as the data is analyzed. In this

way, the sensitizing tradition aligns with abductive reasoning in how it understands theoretical development and data analysis as reflexive and reinforcing. Drawing directly from the theoretical framework, the sensitizing concepts that I incorporated into my analysis guide were ‘internal coherence’, ‘external coherence’, and ‘subjugated knowledge’.

These concepts were chosen because together they form the backbone of the theoretical framework. Before beginning to analyse the films, I took point form notes on the key aspects of these concepts as they had been outlined in the theoretical framework. Then, as I conducted the analysis, I frequently returned to these concepts in order to add further details, thoughts, or observations about how I was seeing them emerge in the documentaries. This facilitated an intricate connection between the theoretical and analytical developments of my project. Using sensitizing concepts allowed me to approach the data without finite, but rather developing conceptualizations, while simultaneously providing an inroad for analysis. It enabled a structured type of flexibility that pairs particularly well with theoretical development. The degree of detail required for the analysis of each single case when using this approach to reasoning demonstrates the value of combining abductive reasoning with case-based research (Alvesson and Skoldberg 2009). As this project involves the analysis of two related forty-five minute documentaries, the theoretical gymnastics required for abductive reasoning was manageable. In the following section I further discuss the use of case study analysis and its applicability to this project.

Case Study Research

At its core, case study analysis involves the research decision to investigate and study a single example or occurrence of a phenomenon. Case study analysis, however, should also be recognized as “a research strategy which focuses on understanding the dynamics present within single settings” (Eisenhardt 1989: 534). Since case study is a strategy for approaching research,

rather than a mere decision about one's data sample, it is necessary to understand when such analysis is useful and how it should be approached. As Yin (1981) points out, case study analysis is critiqued for being no more than storytelling, and several scholars have noted the limitations of such an approach with regards to generalizability and the representativeness of results (Eisenhardt & Graebner 2007; Siggelkow 2007). Bearing these critiques in mind, I outline the key benefits and reasons for using case study analysis in this project and discuss the strategies used to avoid "simple description" (Thomas 2011a: 513), "narrow and idiosyncratic theory" (Eisenhardt 1989: 547), or other pitfalls that may arise when using such a small, specific sample.

Although case study analysis does have limitations, this research strategy is particularly useful when it comes to motivating research questions, inspiring new ideas, sharpening existing theory, and illustrating theoretical claims (Siggelkow 2007). In case study analysis, the individual case being studied is not the *object* of inquiry, but rather the *subject* of inquiry (Thomas 2011a). In distinguishing between the subject and the object of inquiry in case study research, Thomas argues that a case study needs "to be a case *of* something, and that '*of*' would constitute the study's *analytical frame*" (2011a: 512, emphasis in original). In other words, the theoretical or analytical framework of the study is the actual *object* of inquiry and the case itself provides the *subject* through which it can be investigated. For instance, the object of inquiry in this project is narrative coherence in the documentary medium and the subject of inquiry is the two *Fifth Estate* documentaries; *Out of Control* and *Behind the Wall* provide a means for investigating how narrative is constructed in the documentary medium. The case (or specific documentary) operates as a tool through which the theoretical framework can be simultaneously sharpened and illustrated. Its significance as the subject of study lies in its theoretical relevance

to the object or phenomenon being studied; the documentaries are useful as the subjects of study, in so far as they allowed me to better understand the object of study.

Since the purpose of doing case study analysis is to use the case to inform one's theoretical frame, the process of selecting one's sample or case is crucial. Rather than using a type of random or systematic sampling strategy, case study research often involves purposive sampling, which requires intentionally seeking out a sample or choosing a particular case for a clearly stated purpose (Palys & Atchison 2008). This type of sampling can also be called theoretical sampling and it refers to "choos[ing] cases which are likely to replicate or extend the emergent theory" (Eisenhardt 1989: 537). Conducting case study analysis, then, involves choosing the right subject or case through which to develop and investigate the theoretical framework. Since the purpose of this project is to better understand the medium of documentary narrative and its potential for facilitating feminist criminological critique, the *Fifth Estate's* purportedly critical approach and its focus on the Ashley Smith case in the two documentaries addresses and informs my theoretical framework. The *Fifth Estate* defines itself as "Canada's premier investigative program" (CBC website, www.cbc.ca/fifth/about) and is privileged with a national audience and a large amount of resources. The stated goal of the *Fifth Estate* to "expose injustices" (Carlisle, *Secrets of the Fifth Estate* 2015) and its access to the resources necessary to facilitate this investigative work means that analyzing these documentaries allows for a targeted study of my object of inquiry: the medium of the documentary and its potential for critique. Moreover, the documentaries focus on the Smith case, which in many ways demonstrates and encapsulates the critiques of Canada's prison system that have been raised by feminist criminologists. In this way, choosing these two documentaries for analysis demonstrates theoretical sampling as opposed to a type of random or systematic sampling.

Following the abductive and sensitizing approach, the theoretical framework is used in case study analysis to guide both the case chosen and the analysis of that case. That said, case study research is also used “to develop theory, not to test it” (Eisenhardt & Graebner 2007: 27), which involves the abductive process of using emerging findings to adjust, sharpen, and inform the initial theoretical framework. I engaged in this process by returning to my sensitizing concepts to take notes on how they could be informed by what I was finding in the documentaries. In this way, abductive reasoning and using case study analysis to inform and expand upon theory are highly complementary. In fact, Alvesson and Skoldberg (2009) suggest that the degree of detail and theoretical attention facilitated in case study research make it ideal for the complexity and analytic flexibility required of using abductive reasoning.

Another key benefit of using case study analysis is that it allows for a richness and depth to one’s analysis that a larger sample size may not facilitate (March, Sproull, & Tamuz 1991). Moreover, case study research allows the researcher to use more than one method with regards to the data analysis procedure. In this project, I use three layers of analysis, which are discussed in the following section. This combination of analytic approaches is possible due to the fact that the sample size consists only of two forty-five minute documentaries. Although multiple methods of data analysis are certainly possible with larger sample sizes, the feasibility of such projects can become an issue. In this way, case study research facilitates richness and detail in one’s analysis and provides the opportunity to use multiple analytic approaches when the project is limited in terms of time and scope, such as in the completion of a thesis manuscript.

Although case study research has a number of strengths, particularly with regards to theoretical contribution and richness of analysis, there are limitations that need to be considered. Specifically, case study analysis can be limited in terms of generalizability, replicability, and

subjectivity. As aforementioned, case studies are generally selected through a form of purposive or theoretical sampling. This means that the findings cannot be generalized or assumed to directly represent the phenomenon being studied (Babbie & Benaquisto 2010; Eisenhardt & Graebner 2007; Palys & Atchison 2008). That said, representativeness or generalizability is not the purpose of case study research; instead, case study analysis is used to inform and advance theoretical thought without necessitating findings that adhere to the sampling requirements for generalizability (Gibbert, Ruigrok, & Wicki 2008; Siggelkow 2007; Thomas 2011b).

In addressing the issue of limited generalizability, Siggelkow (2007) suggests that the theoretical contributions made through case study analysis need to have enough internal logic to allow the reader to make sense of the theory as ‘free-standing’. Similarly, Yin argues that case study research must be “built on a clear conceptual framework” (1981: 64). Moreover, Yin (2009) distinguishes between statistical generalization and analytic generalization. Statistical generalization involves using empirical data to make inferences about a particular population, and it is often irrelevant in case study research (Yin 2009). In analytic generalization, however, “a previously developed theory is used as a template with which to compare the empirical results of the case study” (Yin, 2009: 38). The concern in *analytic* generalization is not about generalizing to a population or, in the case of this project, to all documentaries, but instead is about connecting one’s study with the theoretical framework. Although a strength of case study analysis is the ability to expand upon and sharpen existing theory, both Siggelkow (2007) and Yin (1981; 2009) suggest that it is necessary that the theoretical framework upon which one is attempting to expand needs to have its own conceptual and internal logic. This point illustrates the deductive aspect of abductive reasoning in that one approaches the case analysis from a theoretical position and then allows the analysis to contribute to theoretical development.

Connected to concerns about generalizability in case study research is the argument that the sampling decisions “may indirectly reaffirm rather than challenge [the researcher’s] understanding” (Palys & Atchison 2008: 124). In choosing which cases to study, it is possible that the case selected may reinforce or reflect the theoretical framework rather than challenge or sharpen it. March, Sproull, and Tamuz state that “we do not have a shared conception of [...] what distinguishes single cases that are informative from those that are not” (1991: 10), which introduces subjectivity into the research process. In addressing this concern about bias in sampling and throughout the research process, Gibbert and Ruigrok emphasize the importance of maintaining detailed transparency. This involves “carefully walk[ing] readers through methodological choices and decisions” (Gibbert & Ruigrok 2010: 725) and being transparent not only about the research process but also about any problems that may be encountered. In an attempt to be transparent about my research process, throughout this chapter I provide detailed description of the steps taken, the decisions made, and the difficulties encountered.

Although case study research, and qualitative research more generally, are often critiqued in terms of their limitations in adhering to traditional expectations of rigour, such as generalizability, replicability, and objectivity, several scholars challenge these conventional standards of rigour and have proposed different criteria for assessing quality in case study research and, more generally, in qualitative work (Lincoln and Guba 1986; Thomas 2011; Yin 2011). Lincoln and Guba (1986) discuss criteria for trustworthiness, which they argue parallel the standards of rigour. These criteria are credibility (involving in-depth attention to detail, contradictory instances, and triangulation), transferability (focusing on thick description of one’s data and findings), and dependability and confirmability (requiring external audits of one’s work) (Lincoln & Guba 1986). Instead of relying on the expectations of positivism, these criteria

focus on practices that can help achieve rigour in qualitative research. Similarly, Yin (2011) outlines three criteria for trustworthiness and credibility that differ from the criteria for rigour in positivist research: transparency, ‘methodic-ness’, and adherence to evidence. Thomas (2011) distinctly argues that case study researchers should *not* be concerned about reliability and validity, but instead should be concerned with “the conception, construction and conduct of the study” (2011b: 71). This includes taking steps such as choosing conceptually relevant cases and analytic approaches, making the justifications for research decisions clear, and making justifiable and well-articulated arguments and explanations (Thomas 2011b).

While concerns about quality and trustworthiness in qualitative research clearly differ from the expectations for generalizability and objectivity in positivist research, it is still possible for rigorous qualitative case studies to be produced. In fact, the very significance of case study research lies in “the singleness of the subject and the singleness – the peculiarity, even – of the interpretation and analysis of the evidence” (Thomas 2011b: 66). While case study research does require researchers to take steps to ensure quality in their work, it does not expect them to adhere to positivist standards of reliability and validity. Throughout this project, I documented the methodological approach to the analysis by keeping a journal, using thick rich description while explaining the findings, and endeavouring to be as transparent as possible about the research decisions made. These steps were all taken in an attempt to be rigorous in terms of the expectations of quality and trustworthiness in qualitative case study research. Becoming aware of the cautions regarding case study research was therefore important in the project’s development as it equipped me with tools for maintaining rigour and theoretical applicability.

Transcribing the Documentaries

In order to conduct a detailed analysis of *Out of Control* and *Behind the Wall*, it made sense to begin by transcribing the documentaries. This allowed me to pay close attention to the wording and broader narratives without having to manoeuvre through a video when looking at connections across scenes. Transcription, however, proved to be much more complex than initially anticipated. From the beginning of the transcription process, I was acutely aware of Riessman's claim that "transforming talk into written text, precisely because it is a representation, involves selection and reduction" (1993: 56). She argues that "analysis cannot be easily distinguished from transcription" (Riessman 1993: 60). Bearing this in mind, I attempted to treat transcription in the same manner that I would treat the analysis: with the transparency that Gilbert and Ruigrok (2010) emphasize is crucial when conducting case study research. Transparency was achieved through two means, first by keeping a journal in which I noted what I worked on each day, what I was finding, any difficulties that arose, and specific research decisions that I made. The second way I worked to be transparent was by being as detailed as possible in this chapter with regards to explaining the process I used and the decisions I made when transcribing and analyzing the documentaries.

One difficulty that I encountered when transcribing the documentaries was that there were two different types of dialogue used: the main dialogue recorded for the documentary itself (e.g. narration, interviews) and the dialogue from the surveillance video footage of Smith. Not only did I need a way of distinguishing between these two types of dialogue, but I also needed a way to note background sounds and to indicate the time frame of the different scenes in the documentary. In order to accommodate these different aspects, I developed a chart for the transcription that distinguished between these formats and allowed me to visibly identify where

they occur simultaneously (e.g. background noise occurring at the same time as dialogue). The transcription chart is comprised of columns for ‘time’, ‘main dialogue’, ‘dialogue from video footage or dramatizations’, and ‘added background sound’. After transcribing the dialogue and sounds of the documentaries, I watched them again to add information regarding the ‘visual content’. An example of the resulting transcription chart can be found in Appendix A.

Since Hana Gartner, the narrator and investigative reporter for both documentaries, is shown both interviewing and narrating, it was important to distinguish between these two roles. As such, each time she spoke I noted which role she was playing. The other aspect of the transcription process that proved difficult was making decisions about how to identify scene breaks (i.e. where one scene ends and another begins). While these decisions were subjective, I attempted to maintain consistency by putting scene breaks whenever there was a distinct change in tone or topic (e.g. when a different speaker, interviewee or location was introduced; when there was a transition to showing video footage, a photo or an interview; when there was a transition to an interview or narrator monologue). These aspects of the transcription can also be seen in the example provided in Appendix A. After transcribing the documentaries, I conducted the analysis using approaches adapted from narrative analysis. The remainder of this chapter discusses the literature upon which the analytic approach was based and provides a detailed description of the specific steps that comprised my methodology.

Narrative Analysis

As discussed in the theory chapter, narrativity, or the imposition of a narrative onto a certain event, fulfills a desire for closure, moral meaning, and significance in how events are understood (White 1987). In order to analyse how narratives are constructed in the two *Fifth*

Estate documentaries to make sense of and impose meaning upon the Smith case, I used analytic approaches drawn from narrative analysis.

Before discussing how narrative approaches were adapted for documentary analysis, it is necessary to address the two questions that Robert and Shenhav (2014) identify as causing major divisions within the literature on narrative analysis. Since they understand these questions as central to how one approaches narrative analysis, Robert and Shenhav argue that each narrative researcher should grapple with them in the context of their individual project. The first question asks whether the researcher defines narrative “as the very fabric of human existence or as one representational device among others” (Robert & Shenhav 2014: 1). In this project, narrative is conceptualized as one representational device among others, or “as a way to represent experience in an organized fashion in order to produce persuasive messages” (Robert & Shenhav 2014: 5). This understanding of narrative aligns with the discussion of narrativity in the theory chapter, in which narrative is understood to be a particular means of representing and imposing meaning upon an event. In this way, conceptualizing narrative as a representational device facilitates theoretical consistency between the theoretical framework and the methodological approach.

The second question that Robert and Shenhav identify is whether the researcher defines narrative “mostly as the characteristic of an approach, an object of investigation or both” (2014: 1). According to Robert and Shenhav (2014), answers to this second question can often be a matter of degree rather than a concrete delineation. In this project, narrative is defined primarily as an object of investigation and narrative analysis as the study of this object. That said the analytic approach outlined below makes pragmatic use of narrative analytic strategies borrowed from linguistics, particularly when analysing the overall way in which the documentary was structured. In this way, my conceptualization of narrative focuses primarily on narrative as an

object of investigation, but does in certain places consider narrative to be both the object of study and the characteristic of an analytic approach.

One of the things that makes it difficult to conduct a narrative analysis of a documentary film is that the medium uses many different formats, or what Keats (2009) terms ‘texts’, such as visual texts, written texts, and spoken texts. In order to address these difficulties, the analytic approach used in this project adapts a form of multiple text narrative analysis discussed by Keats (2009), which involves using several types of texts (i.e. visual, spoken, and written) to understand how people make sense of events. In his study on vicarious witnessing, Keats (2009) had participants go to several Holocaust memorials and use written journal entries and photography to capture their experiences, after which interviews were conducted with each participant. According to Keats, having the participants narrate their experience through the production of different types of texts allowed him to reach a “richer and more complex understanding” (2009: 182).

Since the documentary medium inherently involves the use of multiple texts (i.e. spoken, visual, and sometimes written texts), approaching the study of documentary as a form of multiple text analysis is highly valuable and appropriate. Instead of being used to better understand an individual’s experience, however, analysing multiple texts in this project is done for the purpose of understanding how these texts are used to narrativize and make sense of an event for a broader public. Another aspect of documentary that differentiates it from the data gathered by Keats (2009) is that visual and spoken texts are provided to the viewer simultaneously. This means that it is necessary to consider them in direct relation to one another, rather than as complementary, yet separate, texts.

According to Keats (2009), the first thing involved in multiple text analysis is identifying the number and types of texts used by the participant, or in this case, within the documentary. In order to adequately identify different texts and consider the way that they overlap in the documentary medium, I included description of visual content side by side with the spoken dialogue in the transcription¹², as discussed in the previous section. Rather than breaking the documentaries down into their individual texts (i.e. visual and spoken), since this would have necessitated taking the dialogue out of its visual context and vice-versa, I created a transcript that would allow the different texts to be seen simultaneously and then divided the documentaries up into individual *scenes* to be analyzed. By ‘scenes’ I refer to the various interviews, monologues, and video footage that comprise the documentary (e.g. interview with Coralee Smith; monologue by Hana Gartner, etc.). Each individual scene can thus be understood as itself being comprised of multiple texts. This initial step of distinguishing where each scene began and ended provided an overall sense of which types of interviews or footage were used and where in the documentary they were positioned before a detailed analysis of each was conducted. Analyzing these scenes (of which there were over 50 for each documentary) comprised the first layer of analysis.

In his discussion of how to analyze multiple texts, Keats (2009) outlines two key analytic stages: specific readings or analyses of each individual text, and a relational reading of the texts. In adapting Keats’ multiple-text narrative analysis to analyze the individual *scenes* of the documentaries (i.e. interviews, monologues, video footage), I developed an analytic approach comprised of three layers that allowed for both specific and relational readings. In this way I treated each documentary scene in a similar way to how Keats (2009) considered each text collected from his participants. The first layer of analysis addresses the intricacies of how each

¹² See Appendix A for an example of the resulting transcription.

particular scene in the documentary is constructed. The second layer offers a relational reading, which involved looking at how these scenes are brought together to create the structure of the documentary. Finally, the third layer seeks to contextualize how the documentary makes sense of the event by juxtaposing its logic and narrative against critiques from within feminist criminology. The next three sections of this chapter expand on each of these layers of analysis. While these layers provided a rough structure, outline, and order to the analysis process, it is important to note that they inevitably and necessarily took place simultaneously at several points throughout the analysis.

Layer 1 – Analysis of Individual Scenes

In this first layer or stage of analysis, I analyzed each individual scene (i.e. interview, monologue, video footage) to examine how its meaning was constructed. Much of the literature that considers narrative construction focuses on the performance practices and identity work involved in storytelling (Bamberg 2012; Koven 2012; Riessman 2008; Shuman 2012). According to Riessman (2008), Goffman's work on how social interactions can be understood as performances of desirable selves influences how narrative analysts conceptualize a connection between the act of storytelling and identity formation and management. While the focus of this project is not on how identity is performed and managed, these aspects of narrativity can influence the meanings that are constructed in the various scenes of the documentaries, particularly the interviews. In discussing the interactive nature of narrative production, Salmon and Riessman state that

the audience, whether physically present or not, exerts a crucial influence on what can and cannot be said, how things should be expressed, what can be taken for granted, what needs explaining, and so on (Salmon & Riessman 2013: 199).

In this sense, narratives are produced interactively and can be analysed as a type of performance (Riessman 2008). Analysing this interactive aspect of narrative production requires moving beyond analysing content towards considering *how* and *why* an event is narrativized in a particular way. Since the first layer of analysis in this project explored the constructed meanings of each individual scene, it involved asking some of the following questions: Who is speaking, in what context (e.g. official interview setting versus an interviewee's home), and in which speaker position (e.g. narrator, commentator, or character)? *How* are particular questions posed and answered? *How* does the interviewer or narrator influence the meaning produced in each scene?

In the documentaries, visual texts are also used in constructing the meaning of each documentary scene. They are presented in particular ways through their narration and their placement in the documentary in relation to the other interviews, monologues, video footage, or discussion. According to Riessman (2008) and Keats (2009), visual texts, like spoken texts in interviews, can be analyzed as a means of communicating a narrative. The capturing of an image and the words that accompany it are dependent upon decisions that shape the narrative that the image conveys. In analyzing visual texts, Keats suggests that they can “be *read* for aspects of [the] story using visual, rather than linguistic, signifiers” (2009: 190, emphasis in original). Some examples of these visual signifiers that Keats (2009) mentions are the framing of a photograph, how movement is captured, and the viewpoint of the photographer (or, in the case of documentary, the videographer). Similarly, Riessman (2008) explains that each image can be treated as a narrative in and of itself with the narration or commentary surrounding it promoting a particular reading of the image's story. In this project, the analysis of visual texts involved considering how they were connected to the narrative being constructed verbally through interviews, monologues, or video footage. In other words, visual texts were analysed in relation

to the dialogue that surrounded them rather than through specific visual analysis. Analysing the visual texts in the documentaries therefore involved considering how they impacted the narrative and meaning constructed in each scene.

To begin the individual scene analysis, I first created a Word document for each documentary (i.e. the “scene notes”) that divided them into their various scenes using descriptive headings for each scene (e.g. “video footage of Smith in her cell being pepper sprayed; narration by Gartner”; “Gartner narrating directly to camera”; “interview with Coralee Smith”). I also indicated the time within the documentary that each scene is shown. The resulting Word document reflected many of the scene breaks that were previously identified during transcription. There was a slight difference, however, in that one or two of the scene breaks identified in transcription were sometimes collated as one scene in the scene notes. For example, I considered interview clips and short narrative comments directly introducing the interview to comprise one scene. Similarly, I considered video footage of Smith in her cell and short narrations before and throughout the footage to be one scene. This decision allowed me to consider interview clips and video footage within the direct context of the narration surrounding them. The purpose for creating scene notes that descriptively identified the different scenes in the documentaries was to make the analytic note-taking process clearer and more manageable. The resulting two documents identified approximately 50 scenes for each documentary and were used as the skeleton for note-taking during the first stage of analysis.

The next step in conducting the first layer of analysis involved taking detailed descriptive notes on a printed copy of the transcripts for each documentary and making notes about each scene in the scene notes. For each scene, I took detailed notes on the printed transcript about things such as key phrases, main arguments, shifts in dialogue, connections between dialogue

and the visual, who was speaking, the importance of the interview setting, and how certain incidents were presented by different speakers. I also noted connections between arguments being advanced in the specific scene and the language used to describe certain aspects of the Smith case (e.g. “legal/illegal”; “torturous”; “moral/immoral”; “security and risk”; “Smith as helpless”). After taking rough notes about a particular scene on the printed transcript, I took descriptive and explanatory notes about that scene under its corresponding heading in the scene notes. These notes primarily described the scene’s main argument or theme and explained how it was presented, making reference to what was identified during initial rough note-taking. Having already taken ‘messy’ notes in pencil on the printed copy of the transcription, I was better able to extrapolate the key argument(s) of each particular scene. This dual process of note-taking allowed me to make initial rough, descriptive notes and to filter those rough notes into a format that drew out the aspects of the scene that were particularly relevant. This made it much more manageable when I later went back through my analytic notes to do a relational reading about how the individual scenes comprised the documentary.

During this initial stage of analysis, I also kept a Word document (i.e. the “initial notes on narrative threads”) in which I traced any general narrative threads that I saw emerging. Keeping this document facilitated a type of ‘brainstorming’ about the documentary’s overall narrative structure while I conducted the close analysis of each individual scene. The general narrative threads that I noted were primarily key themes or interpretations of the events that were advanced in the documentary. For example, one of the narrative threads in *Out of Control* is how the punitive and abusive reality of Smith’s incarceration was masked by the appearance that she was being given treatment. In this way, the first layer of analysis (i.e. looking at each individual

scene) often overlapped with the second layer of analysis, which is discussed in the following section and involved looking at the overall narrative structure of the documentary.

This first layer of analysis facilitated an individual examination of the documentary scenes and how they were constructed. It involved analyzing their meaning through considering things such as content, context, visual texts, speaker positions, and the ways in which questions are posed and answered. Following this stage of analysis, I conducted a relational reading of how these individual scenes were compiled to structure the documentary in a particular way.

Layer 2 – Analysis of Documentary Structure

The second layer of analysis looked at how individual scenes were placed in a particular order and surrounded by narration to construct the documentary's logic and narrative. Here I adapted the six-part narrative model developed by Labov (1972) in his analyses of personal narratives and used it as an analytic tool for approaching the internal structure of the documentaries. According to Riessman (2008), Labov's model is a kind of structural narrative analysis, which focuses on how speech and form are used by a narrator to explain an event or experience. Riessman argues that the focus on narrative structure can vary by degree and that "structural analysis can be combined with other approaches" (2008: 78), such as the other analytic approaches I engaged for this project.

Labov's (1972) model of a narrative includes the following six elements: abstract, orientation, complicating action, result, evaluation, and coda. The *abstract* provides a summary of the narrative, and is usually found at the beginning. The *orientation* provides information about the setting, such as the time, place, and the people involved. The *complicating action* relates the actual events of the story in a temporally ordered manner. The *result* indicates the

outcome of the complicating action and by extension the series of events. The *coda* occurs at the end of a narrative and is used to both comment on how things are now and to bring the narrator and the listener back to the present. Finally, the *evaluation* is used to provide commentary on the narrative by attributing it with a particular meaning or point.

Labov (1972) expands particularly on the evaluation element of the narrative and argues that previous analyses of narrative do not give it sufficient consideration. He argues that evaluation should not be understood as a specific ‘section’ of the narrative, but rather as dispersed throughout and permeating all other elements (Labov 1972). In his discussion of the Labovian approach, Patterson articulates evaluation as the narrator pre-emptively answering the question of ‘so what?’ (2013: 31). Labov’s recognition of evaluation as a key component to the structure of a narrative is useful when analyzing how narration is used to both explain the way that the documentary is ordered and to communicate the point or meaning of certain action.

In adapting Labov’s model to facilitate analysis of the documentary’s structure, I looked at how individual scenes (i.e. interview, monologue, or video footage) are positioned and narrated in order to identify whether they function as abstract, orientation, complicating action, result, evaluation, or coda. Although there were several scenes that served more than one narrative function (e.g. orientation and complicating action) and sometimes the identification of a scene’s function was not clear-cut, this process facilitated consideration of the connection between each scene’s placement in the documentary and the process of meaning making. Examining the narrative function associated with each scene provided insight on how the filmmakers weave interviews and evidence together in a particular way that results in a specific interpretation, argument, and set of meanings about the event. This stage of analysis therefore moved beyond consideration of each individual scene towards an analysis of how they are placed

in relation to one another within the documentary. Since this stage of identifying the narrative function of each scene facilitated analysis of *how* each documentary's narrative is constructed, the terminology from Labov's model (i.e. abstract, orientation, complicating action, result, coda, and evaluation) features prominently in the analysis chapter.

Although I did take initial notes of emerging narrative threads while conducting the individual scene analysis, the majority of this second layer of analysis took place after I had completed the scene notes for each documentary. Since it is the first of the two documentaries, I began by printing a copy of the scene notes on *Out of Control* and then I started to conduct a relational reading across the various scenes. This involved taking many pages of rough notes that expanded my initial observations about the narrative threads emerging in the documentary to consider the way in which different scenes, and the arguments made in them, were placed in relation to one another. During this process of mapping the narrative structure, I used Labov's six-part model as a tool for identifying the narrative function of each scene (i.e. abstract, orientation, complicating action, evaluation, result, or coda). While the function of each scene was not always clear or straightforward, this model proved to be a very useful tool for making sense of my extensive notes on the individual scenes and for mapping out the documentary's narrative structure and how it organizes the discussion.

Identifying the different narrative functions of each scene revealed a distinct pattern in the organization of the documentaries in which a complicating action is described and then followed by several scenes that evaluate that action. It also revealed that the first scene in the documentary functions as an abstract and is immediately followed by scenes that provide orientation to the story, and that the last few scenes discuss the narrative's result. The compilation and particular organisation of the abstract, orientations, complicating actions,

evaluations, and results is what I refer to as the ‘main narrative’ of the documentary. The complicating actions and evaluations comprise the majority of the main narrative because they describe and comment upon the particular incidents that the documentarians included.

After identifying a pattern in the composition of the narrative (i.e. complicating action followed by evaluations), I used it to contextualize the specific content of the documentary by mapping the different ways that each complicating action was evaluated in the scenes following its description. To do so, I wrote a brief description of the complicating action and then outlined the main arguments and themes discussed in the subsequent evaluative scenes. In my analysis of *Out of Control*, this process revealed that the evaluative comments that follow the complicating actions often conflict with one another, but that this conflict is resolved prior to moving on to a discussion about the next complicating action. The narrative map that resulted from this analysis process can be found in Appendix B and further discussion of these conflicting evaluations can be found in the section entitled *Resolving Conflicting Narratives* in the analysis chapter.

In mapping the overall narrative structure for *Behind the Wall*, I used the same approach outlined above, but had to make a few adjustments to account for differences between the documentaries. While the pattern of a complicating action being described and followed by evaluative scenes also appeared in *Behind the Wall*, there were two aspects that made this documentary distinct and consequently more difficult to analyse; namely, the evaluations were not in conflict with one another and the documentary had two narratives, one that told the story of abusive practices being used against Smith and prisoners like her, and one that told the *Fifth Estate*’s story of investigating these practices. As I looked more closely at the content of the evaluative scenes following each complicating action, I found that they actually complemented

one another. As such, I outlined the different evaluations made about each action and made notes about how they supported each other.

In order to examine the two narratives in *Behind the Wall*, I began by mapping out a separate timeline for each, which described the complicating actions and evaluations. As I did this, it became apparent that the narrative about the *Fifth Estate*'s investigation was positioned to corroborate the arguments and evaluations in the narrative about abusive prison practices. I then mapped both narratives together, referring to one as the main narrative (i.e. the narrative about abusive prison practices) and the other as the surrounding narrative (i.e. the narrative describing the *Fifth Estate*'s investigation). When complicating actions from the main and surrounding narratives overlapped, I mapped the narratives together by placing the complicating actions side by side; when the complicating actions of each narrative were described in different scenes, I placed them in the order that they appeared in the documentary. This narrative map can be found in Appendix C and further discussion on complementary evaluations and the main and surrounding narratives in *Behind the Wall* can be found in the section entitled *Building Complementary Narratives* in the analysis chapter.

Since I adapted the Labov's narrative model to use as a tool for analyzing the documentaries, it is important to consider concerns that have been raised regarding the Labovian approach. First, the event-centred, rather than experience-centred, focus of Labovian analysis has the potential to ignore how the narrator's "perspective on what happened, determines how the story is told" (Patterson 2013: 36). In other words, Labovian analysis can prioritize the order of events and function of each narrative component over how the event is evaluated and given meaning by the narrator. In order to address this issue, I gave a great deal of attention to the role of evaluation in constructing the documentary narrative. In fact, consideration of how

evaluations and evaluative scenes are used in the documentaries helped to form the backbone of the analysis.

Patterson (2013) and Riessman (2008) have also suggested that analysing the structural aspect of the narrative often fails to consider either the context surrounding the story or the interactive aspect of storytelling, resulting in a de-contextualized reading and interpretation of the narrative. In this project, I used the other two layers of analysis to address this concern. Analysis of the individual scenes incorporated an interactive understanding of narrative, which addresses how structural analysis can potentially ignore the “interactions between teller and listener, descriptions and asides” (Patterson 2013: 33). Moreover, the narrative of the documentary was contextualized through juxtaposition against feminist criminological literature, which allowed me to go beyond textual and structural analyses. The Labovian model was therefore used for analyzing how the overall narrative was organized, but was augmented by other analytic approaches so as to avoid de-contextualization.

Layer 3 – Contextualization within Feminist Literature

In analysing how documentaries make sense of events, it is necessary to recognize that documentaries and the meaning that they construct do not occur in a vacuum. Rather, they are produced within specific historical, social, and political contexts, which influence both the narratives that are constructed and the ways those narratives are interpreted. As Riessman points out in the following quote:

Stories don't fall from the sky (or emerge from the innermost 'self'); they are composed and received in contexts – interactional, historical, institutional, and discursive – to name a few. Stories are social artefacts, telling us as much about society and culture as they do about a person or group (2008: 105).

Sandberg (2010) similarly argues that narratives must be contextualized within wider social structures and culture, and Shuman discusses how whether or not a story is even told is dependent upon “a relationship between topic and context” (2012: 129). This third layer of analysis therefore attempted to situate the individual scenes and the documentary as a whole within the wider socio-political context relevant to the event being discussed.

In order to consider the context of the *Fifth Estate* documentaries, I focused particularly on critiques of women’s corrections that are raised within feminist criminology, many of which were outlined in the literature review. There are two interrelated reasons for my focus on this literature when contextualizing these documentaries. First, the torturous prison practices to which Smith was subject, such as gassing, taser, segregation, physical and chemical constraints, and the institutional response to her self-injurious behaviour, are all manifestations of prison practices that feminist criminologists have been identifying, criticizing, and challenging for decades. This means that the analyses of women’s corrections posed by feminist criminology are highly relevant to the events that are discussed in the *Fifth Estate* documentaries. Second, juxtaposing the documentary narrative against feminist criminological arguments allowed me to consider how the narrative either facilitates such critique or subjugates it through implicit adherence to the notions of formal gender equality that have emerged in contemporary politics and culture. This stage of analysis therefore examined notions of external coherence and the disappearance of gendered critique that were discussed in the theoretical framework. This layer of analysis involved asking questions such as: How does the meaning constructed through individual scenes and the overall documentary narrative consider (or not) larger structural and societal issues related to the marginalization of women prisoners? What are some of the questions or challenges that feminist criminologists would raise with regards to particular

comments or details mentioned in the documentaries? Are there arguments made that reflect (implicitly or explicitly) feminist criminological critique?

In this way, this third stage drew the documentary analysis into juxtaposition against wider discussions surrounding women's incarceration and its gendered critique. Although here I discuss contextualization as the final stage of my analysis, contextualizing the documentary actually took place throughout the analysis process. As notes were made on each individual scene and as the overall narrative was traced, I frequently made observations that juxtaposed the documentary against discussions within feminist criminology. The results of these observations are discussed primarily in the two sections of the analysis chapter entitled *Appealing to Every Canadian* and *Unexplored Content*. In this chapter, I discussed contextualization as an independent stage of analysis in order to give it adequate attention, particularly with respect to questions regarding external coherence, but in practice this contextualization permeated all three layers of analysis since the construction of a narrative is always context-dependent.

Conclusion

The analytic approach used in this project incorporated a great deal of flexibility both theoretically and methodologically. It involved abductive reasoning, which goes back and forth between theory and analysis, and three layers of analysis, which, although delineated from one another in the preceding discussion, necessarily overlapped throughout the analytic process. These different analytic layers facilitated consideration of specific details and nuances, the overall organization of the documentary narrative, and the documentary's context within contemporary gender politics. The complexities of such an analytic approach were rendered manageable by the fact that this is a case study, which makes it feasible to generate rich theoretical analysis through multiple methodological approaches.

The sensitizing concepts, research questions, and three layers of analysis outlined above allowed me to approach the analysis of the documentaries methodologically and with a certain amount of clarity regarding what I would be doing. That said, the actual ‘doing’ of the analysis involved unanticipated decisions, complexities, and difficulties, which I have attempted to divulge throughout this chapter. Moreover, some of the specifics about how I would organize aspects of the analysis, such as note-taking, were necessarily determined as I went along. Taken together, the analysis of these documentaries was very much a messy process of pulling the documentaries apart by taking detailed, expansive notes on each scene, and then putting them back together again by mapping how the different scenes are used to form the broader documentary narrative. This analytic process facilitated consideration of both the main themes and arguments in the documentaries and the specific way that they are presented through narrative structure. In the next chapter, I outline and discuss the findings of the analysis in greater detail and explain their theoretical significance.

Chapter 4: Analysis

Analysing *Out of Control* and *Behind the Wall* provided greater understanding of how documentaries construct an internally and externally coherent narrative and how this coherence is connected to the marginalization of feminist criminological knowledge. Specifically, the analysis revealed six interconnected ways in which the documentaries construct a coherent narrative. The following discussion outlines each of these in relation to the theoretical framework and sensitizing concepts in order to contextualize the findings and empirically ground the discussion of internal coherence, external coherence, and subjugated knowledge.

First, I discuss how *Out of Control* and *Behind the Wall* create an internally coherent narrative in similar, yet distinct, ways. I outline how the story is introduced through initial abstract and orientation scenes and how what I term a ‘through narrative’ is created in both documentaries by the resolution of conflicting narratives in *Out of Control* and the building of complementary narratives in *Behind the Wall*. Second, I discuss external coherence in the context of the documentaries and outline how the main themes and arguments of the ‘through narrative’ adhere with particular external discourses in order to facilitate a discussion that appeals to ‘every Canadian’. Finally, I address how the subjugation of certain knowledge manifests in the documentaries as brief comments or details about the case that *could* be further explored as themes or important issues, but instead are suppressed. I focus in this section specifically on how references to gender are often left unexplored, which subverts and marginalizes gendered critique and feminist criminological knowledge.

While these concepts are discussed separately in this chapter, it is necessary to acknowledge that they are interconnected in how they appear in the documentaries. For instance, the internal coherence of the documentary relies upon external coherence to help legitimate the

claims being made, and making externally coherent arguments necessitates an internal logic. Similarly, both internal and external coherence are dependent upon the subjugation of knowledge that does not cohere with the position or claims being advanced. While I discuss these concepts and their significance in the *Fifth Estate* documentaries individually, I also outline the ways in which they overlap and connect.

Internal Coherence

As discussed in the theory chapter, the organizing logic of a documentary, which often takes the form of a narrative, serves the purpose of allowing particular arguments or claims about the event to be advanced (Nichols 1991; 2010). Documentaries need to be internally coherent in how they present and interpret an event, which is often achieved through narrative trajectory that “suppresses differences and effects closure [and] [...] gives resolution” (Nichols 1987: 12). The way that the narrative is assembled is not always evident in historical events themselves; instead, it is constructed in the making of the film. According to White, narrativity causes “real events to display the coherence, integrity, fullness, and closure of an image of life that is and only can be imaginary” (1987: 24). The coherence that is achieved in documentary narrative does not reflect ‘the truth’ of an event, but rather it makes sense of the event in a way that attributes particular moral meaning to it. As discussed in the section on external coherence, the specific way that a documentary narrative is created has to be understood within the context of prevalent cultural, social, and political discourses, such as the silencing of feminist critique.

The construction of an internally coherent narrative that advances particular arguments about the Smith case appears in both *Out of Control* and *Behind the Wall* and this section outlines four of the ways that this occurs. The first centres on how the story is introduced through the initial abstract and orientation scenes. These scenes provide a framework or lens that

contextualizes the rest of the documentary and frames its narrative. Second, I discuss what I term the ‘through narrative’, which draws out and focuses upon particular themes and issues that connect the various scenes and segments of the documentary¹³. This operates by means of resolving conflicting narratives and building complementary narratives. For this reason, in the second section I provide a short explanation and discussion of the ‘through narrative’ and in the following two sections where conflicting and complementary narratives are discussed I elaborate on this notion in more detail and with specific examples from the documentaries. The third section discusses how conflicting narratives are resolved in *Out of Control*. Narratives or evaluations that conflict are presented and then the contradiction is resolved by one of the narratives being awarded more credence and support. Finally, I discuss the building of complementary narratives, which occurs primarily in *Behind the Wall*. Instead of presenting and then resolving conflicting narratives, this documentary presents evaluations and narratives that corroborate and support one another. Resolving conflicting narratives and building complementary narratives are the ways in which the through narrative of each documentary is constructed.

Introducing the Story

In both of the documentaries, approximately the first three minutes are dedicated to introducing the story to be discussed, which is done by providing both an abstract and an orientation segment. In the abstract, which precedes the orientation, several of the main

¹³ By the term ‘scene’ I refer to each interview clip, monologue, or video footage clip and by the term ‘segment’ I refer to a collection of scenes that together provide an abstract or orientation to the story, or explain and provide commentary on a particular complicating action. For example, the segment at the beginning of each documentary is comprised of many scenes (i.e. interviews, narration, and video clips) that together create the abstract and orientation segments that introduce the story. Similarly, complicating actions, such as Smith’s (mis)treatment at the New Brunswick Youth Centre, are discussed across various scenes that are brought together to create one segment that addresses this part of the story. Segments are therefore comprised of a collection of scenes that together explore a specific aspect of the story.

arguments are quickly presented and the narrative is summarized in one or two phrases that explicitly state the purpose for telling the story. This allows the narrative to be presented in a particular way from the beginning. Similarly, the orientation segments frame the narrative by setting the stage and the emotional tone for the rest of the documentary¹⁴. Together, the abstract and orientation introduce the story of Ashley Smith in a way that reveals the lens and position guiding the documentary's narrative. Furthermore, this framing provides a particular contextualization for the complicating action. In order to demonstrate how this happens in *Out of Control* and *Behind the Wall*, I describe the abstract and orientation segments of each and discuss the framework that they provide for the documentaries.

The abstract in *Out of Control* introduces the case by using short clips from several different interviews that indicate how both Smith and the Correctional Service of Canada (CSC) were 'out of control'. Smith is described as "on the verge of bein' outta control" (Coralee Smith¹⁵) and as "a time bomb waiting to go off" (Jason Godin¹⁶), but it is also revealed that "it wasn't just Ashley that was out of control" (Hana Gartner¹⁷ narrating); CSC is indicated to have broken laws in their treatment of her. Emphasis is then placed on how Canadians need to know about the threat that CSC poses to Canadian youth. Short clips from video footage of a violent interaction between Smith and unidentified guards¹⁸ follow each of these interview scenes and then a longer scene of video footage shows Smith being pepper sprayed and restrained. This is

¹⁴ It is important to note that orientation does not just take place at the beginning of the documentary; there are several places throughout the documentary where the setting for a particular event or action is described. What is particularly relevant here is that the orientation segment at the *beginning* of the documentary provides a setting and emotional tone that guides how the rest of the narrative is presented.

¹⁵ Coralee Smith is Ashley Smith's mother; she adopted her when she was five days old. Clips from Coralee's interviews feature prominently in the two documentaries.

¹⁶ Jason Godin is the president of the Canadian guards' union.

¹⁷ Hana Gartner is the narrator and lead investigative journalist in both *Fifth Estate* documentaries.

¹⁸ All of the guards in the video footage used in the documentaries are unidentifiable. Their faces are either blurred or blacked out and their voices are muffled.

accompanied by narration indicating that this is “just another day in the life of inmate Ashley Smith” (Gartner narrating), which presents this type of punitive treatment as habitual throughout Smith’s life in prison.

At the end of this footage, audio of Smith complying under threat of pepper spray with an order to “get over in the corner” (unidentified guard) is played and accompanied by visual shots of barbed wire and prison perimeter fencing. This not only emphasizes how hidden these interactions with prison staff are, but also suggests that, in ‘winning’ its battle against her defiance, the prison consumes her within its walls; the video footage of her struggle is replaced by audio of her compliance and visual shots of the prison exterior. From the beginning of the documentary, the security and compliance oriented nature of the prison is challenged. The abstract ends with a monologue by Gartner who states that this is the story of “a troubled young girl who cried out for help and never got it” and indicates that this documentary “exposes just how kids with mental health and behavioural problems are treated in this country”. Respectively, these statements provide both the narrative summary and the purpose of telling the story.

By telling viewers that this is the story of “a troubled young girl who cried out for help and never got it”, the abstract frames Smith’s ‘out of control’ behaviour as a cry for help that CSC failed to provide, which pre-emptively undermines any arguments that her treatment reflected attempts to help her. Similarly, the purpose of the documentary (i.e. “to expose how kids with mental health and behavioural problems are treated”) unquestionably presents Smith as in need of mental health care while also broadening the issue of how she was treated beyond the one case, to include other “kids with mental health problems” who are treated the same way. Moreover, the abstract pre-emptively resolves the conflict between the narrative of Smith being out of control and the narrative of the prison being out of control. It does so by presenting Smith

as in need of help and stating that what is to be shown is “what the jailors do not want you to know” (Gartner narrating). Taken together with the documentary’s stated purpose of exposing the injustice of mistreating mentally ill youth, the abstract emphasizes that the prison is out of control and presents Smith’s behaviour as signalling her need for help that was not provided.

The orientation segment at the beginning of *Out of Control* shows Gartner visiting Coralee Smith at her home in New Brunswick and walking through Smith’s old bedroom. In narrating this scene, Gartner states that the story begins “not as you might predict, but in a nice neat home with parents who really care” and Smith is presented as having been a “sweet, playful girl” before things “went so terribly wrong”. This orientation segment presents Smith as a typical child who had a positive home environment, which is juxtaposed against what “you might predict” – the implication being the expectation that Smith’s home life and childhood were rough and negative, which is quite common for criminalized youth (Arthur 2007; Yoder et. al. 2014). The orientation segment also sets an angered and grief stricken emotional tone for the documentary by emphasizing a loving mother’s loss.

Taken together, the abstract and orientation segments in *Out of Control* frame the main narrative as one about a vulnerable young girl in need of mental health care and an institution focused on compliance and security rather than treatment. This institutional focus on security and containment over treatment is well documented in feminist criminological scholarship (Kilty 2012; Marcus-Mendoza 2011; Pollack 2006; Pollack & Kendall 2005). From the outset, Smith’s behaviour is attributed to mental illness and the prison is presented as a place where she *should* have received treatment, but instead was punished and mistreated. As I discuss further in the section on resolving conflicting narratives, this framing becomes particularly important when two evaluations of an incident contradict one another. Since the narrative was framed as the story

of a young girl in need of mental health care, the evaluation that coincides with this framework is supported from the start of the documentary.

In *Behind the Wall*, the abstract is presented using short clips of different interviews surrounded by video footage of Smith being handled by guards after having tied a ligature around her neck. The purpose of the documentary is stated as revealing “the shocking truth about what goes on behind the walls of our federal prisons”. This ‘shocking truth’ is then shown to be that the prison system “punish[es] the mentally ill” (Gartner narrating), “ignores its own rules and breaks the law” (Gartner narrating), and does “everything physically possible to hide the truth” (Julian Falconer¹⁹). The documentary is summarized as a story about an abusive prison system that hides its practices. In this way, the narrative is shown to expand beyond Smith’s mistreatment to discuss how abusive practices in prison affect ‘the mentally ill’ more generally.

In the orientation segment of *Behind the Wall*, the highlights of the Smith case are provided in a highly emotional manner with statements such as “[t]hat one month sentence [cell door slamming] turned into a life sentence” (Gartner narrating). The emotional loss of Smith’s death is also introduced by showing Coralee Smith at Grand Valley Institution, where Smith died. In this segment, the conclusions of the previous documentary, which emphasize how Smith’s life was taken, are re-examined with Coralee raising questions such as “[w]ho did that to Ashley”. The orientation ends with the comment that “the answers have been locked away as securely as the inmates inside”, which is paralleled by shots of barbed wire, fencing, and signs that read ‘no trespassing’. Taken together, the abstract and orientation segments in *Behind the Wall* frame the documentary narrative as being about uncovering the secrets of a prison system that uses abusive, illegal practices that lead to the death of prisoners like Smith. This positions

¹⁹ Julian Falconer is the lawyer for Smith’s family.

what is happening ‘behind the wall’ as morally and legally wrong, and presents mentally ill prisoners as victims of the correctional system. Introducing the documentary with such a clear, firm position leaves no question of how the complicating action is to be understood. I discuss this further in the section on building complementary narratives.

While there are certainly orienting scenes and small abstracts that take place at other points throughout the documentaries, the introduction of the story offers a particular framework for the rest of the narrative by providing a summary of the plot and stating the reason why the story is being told at all. The abstract and orientation tell viewers what to expect and provide a lens or narrative plot through which to interpret the complicating actions. This framework provided from the outset of the documentary aids in the creation of what I term the ‘through narratives’ in the documentaries, which are discussed in the next section.

Creating the ‘Through Narrative’

The through narrative is the central component of internal coherence in both documentaries; the introduction of the story, the resolution of conflicting narratives and the building of complementary narratives all operate to construct and uphold the documentary’s through narrative. By the term ‘through narrative’, I refer to how the segments of the documentary are brought into connection with one another with the goal of creating a coherent storyline. The through narrative punctures the various segments by focusing on particular aspects of each and leaving other details and comments unexplored. This is slightly distinct from the concept of a grand, overarching narrative, which gives the impression of being the sum of all the details told about the event. Instead, I conceptualize the through narrative as a figurative thread and needle that punctures each segment of the documentary, drawing out and focusing on one aspect or detail among many, in order to connect that particular segment to the storyline and the

themes that are explored. This necessarily leaves unexplored or renders illegitimate many comments, issues, and details that are briefly mentioned but are not drawn out as part of the through narrative²⁰. The way that the through narrative threads across the segments of the documentary upholds a particular conclusion, position, and argument about the case.

The through narrative operates similarly to how Nichols describes narrative trajectory as causing “references [to] get tilted onto the moving chain of events, of actions, and enigmas that sweep (or drift) towards a conclusion” (1987: 12). It is distinct, however, in that it does not attempt to ‘tilt’ *all* references or comments towards the main conclusion. Instead, the through narrative leaves many references and comments behind in favour of emphasizing points that support its main arguments. In this regard, the through narrative reflects White’s description of narrativity, which is “constructed on the basis of a set of events that might have been included but were left out” (1987: 10). Narrativity, however, refers to a process that leaves events out of the account altogether, whereas the creation of a through narrative refers to a process that is internal to the documentary itself whereby certain details are emphasized over others. That said, it is clear that the coherence created by what I have termed the through narrative parallels the narrative coherence discussed in the theory chapter in that it tilts certain events and comments towards a particular conclusion and leaves unexplored those details that do not cohere.

As mentioned in the literature review, Feilzer (2009) recommends that criminologists engaging with print media communicate information as “narratives with a human interest angle” (2009: 480). She does not, however, elaborate on how such narratives should be organized or constructed; she recommends the use of “simple narratives with clear messages”, but does not consider *how* such messages are advanced via narratives. By exploring how the through narrative

²⁰ The unexplored comments or details left behind are discussed further in the last section of this chapter.

is created and advanced in *Out of Control* and *Behind the Wall*, the following discussion analyzes the way that narrative operates in investigative documentary, thus expanding upon Feilzer's claim. In both the documentaries, the through narrative begins with the abstract and orientation segments, where the narrative summary, purpose, and main themes are provided. After this, the narrative structure of the documentaries relies on describing a complicating action and then presenting several evaluations that comment upon that action²¹. The through narrative of each documentary is gradually constructed by this pattern of complicating action and evaluation, in which certain details and evaluations of the story are emphasized and used to thematically and topically connect the different segments of the documentary. At any point in the documentary, a different theme or evaluation *could* have been emphasized.

In the following discussions on resolving conflicting narratives and building complementary narratives, the creation of the through narrative is discussed in its specific context within each documentary. While both documentaries follow the pattern of describing a complicating action and then presenting different evaluations that comment upon it, they do so in different ways. In *Out of Control*, the evaluative scenes often conflict with one another, whereas in *Behind the Wall* there is very little contradiction among the evaluations, and, in fact, they often support and complement one another. Despite this difference, the resolution of conflicting narratives and the building of complementary narratives gradually advance the through narrative of the documentary and are thus integral to the production of internal coherence.

²¹ To briefly re-describe these terms, which were discussed in the methods chapter, 'complicating action' refers to the actual events or incidents of the story told in a temporally ordered manner and 'evaluative points' are comments made about the story's action that attributes it with particular meaning.

Resolving Conflicting Narratives

When conflicting evaluations are presented in *Out of Control*, they are not left in a state of conflict, but rather they are presented in a way that undermines or discredits one evaluation and supports the other. Conflicting evaluations are thus resolved prior to the documentary moving on to discuss the next complicating action. The way that the previous contradiction is resolved thus provides the context in which the next complicating action is presented. The following chart provides a visual representation of this pattern with examples in italics.

Complicating Action (a particular incident, detail, or event in the story is described) <i>e.g. – Smith held in segregation for the entire time she was in the federal correctional system</i>	
Evaluation (comments on the action; usually a clip from an interview or a comment by the narrator) <i>e.g. – segregation is ‘not punitive’</i>	Evaluation (comments on the action; usually a clip from an interview or a comment by the narrator) <i>e.g. – segregation is inhumane</i>
(In <i>Out of Control</i>, the evaluations presented about a particular complicating action conflict with one another; the documentary’s through narrative can only draw out and emphasize one as legitimate because advancing both would produce internal incoherence.)	
Supported Evaluation (the evaluation that is emphasized as more legitimate and drawn out as a key theme or main argument in the documentary’s through narrative) <i>e.g. – segregation is inhumane</i>	
Complicating Action (the next incident described is then framed within the context of the supported evaluation) <i>e.g. – Smith acting out while in segregation</i>	

The narrative map for *Out of Control* that is included as Appendix B expands this chart by mapping out all of the complicating actions and evaluations in the documentary and indicating which evaluations are supported when contradictions arise. It also shows how the final event in the narrative (i.e. Smith’s death) is evaluated and describes the narrative’s coda, which comments on CSC’s continued failure to address prisoners’ needs and to be transparent about its

practices. In the rest of this section, I describe in detail several consecutive segments from *Out of Control* in order to demonstrate how the documentary's through narrative was created.

After the orientation segment in which Coralee Smith is interviewed in Smith's bedroom, a clip from an interview with Smith's father (Herbert) indicates that at around 13 or 14 years of age Smith started to get in trouble at school, at home, and with the law. Smith is described as having become "defiant, disrespectful, and disruptive" (Gartner narrating) and "on the verge of being outta control" (Coralee Smith), and Gartner narrates how it seemed that "the only thing Ashley was good at was being bad". Next, the narrative describes how Smith's concerned parents sought psychological help for her, which resulted in no diagnosis or treatment plan because the psychologist only identified "behavioural issues, impulsivity, [and] not understanding consequences" (Gartner narrating). From there, Coralee describes Smith's index offence of throwing crab apples at a postal worker, for which she was sentenced to thirty days in the New Brunswick Youth Centre (NBYC). The documentary then provides a discussion of the NBYC, which "describes itself as a safe and secure environment for youth aged 12 to 17" (Gartner narrating). In an interview, Bernard Richard²² states that the NBYC's purpose is to be "therapeutic". Following this pronouncement, an interview with Jessica Fair, who was "in the cell next to Ashley's" (Gartner narrating), reveals that Smith was strip-searched, held in isolation, and restrained. This account is corroborated by video footage of Smith being restrained by guards. The 'therapeutic quiet' of the NBYC is revealed to be the same as segregation and Richard describes the use of the term 'therapeutic' as the "softening of a very hard reality".

The chain of complicating actions for this segment of the documentary can be summarized as follows: Smith getting into trouble → psychologists failing to help → incident

²² Richard is the New Brunswick Ombudsman and investigated Smith's treatment at the NBYC.

with the postal worker (i.e. crab apples thrown) → Smith sent to the NBYC. Dispersed throughout the documentary's description of these actions, there are several evaluative scenes that comment on the action being described. There are four main evaluative points, or two sets of conflicting evaluations, that run throughout this segment. First, the interpretation of Smith as 'bad' and 'out of control' conflicts with the representation of Smith as in need of psychological help. Second, the description of the NBYC as a "safe and secure environment" (Gartner narrating) with a therapeutic focus conflicts with the evaluation of it being "a very hard reality" (Richard) involving strip-searches and isolation. In each set of conflicting evaluations, one is awarded more credibility in order to resolve the conflict. In the first set of conflicting evaluations, the point about Smith needing psychological help coheres with the narrative summary given in the abstract (i.e. the story of "a young girl who cried out for help"). All of Smith's actions are contextualized within this initial framework, which positions the argument that she needed psychological help as having greater validity and undermines the discussion of her as inherently bad. In the second set of conflicting evaluations, the representation of the NBYC as a "safe and secure environment" is revealed by Richard to be "double speak" and an attempt at "softening a very hard reality". This evaluation is therefore presented as a mask or curtain pulled over the truth, which LeBlanc et al. (2015) describe as a discursive "therapeutic risk cloak". In this way, the representation of the NBYC as 'therapeutic' is undermined and the evaluation of its practices as harsh and inhumane is presented as a more accurate depiction. This technique of presenting one evaluation as a mask hiding reality is used frequently throughout the documentary to resolve conflicting evaluations.

Ultimately, Smith is presented as in need of psychological help and her experience in the NBYC is narrated as inhumane. The resolution of these sets of conflicting narratives helps to

frame the next series of complicating actions and accompanying evaluative points. The next complicating action describes Smith acting out while incarcerated and guards responding with increasingly punitive restraints, such as ‘the wrap’²³. Accompanying this complicating action are two conflicting evaluations: 1) Smith as difficult to control, resulting in her mistreatment; and 2) Smith’s behaviour as the result of being held in “the hole” (i.e. segregation) and treated unfairly. The evaluation of her being difficult to control refers to the 800 documented incidents she accumulated, which ranged “from covering her cell window with feces to simply refusing to hand over a hairbrush” (Gartner narrating). In this evaluation, Smith’s refusals to comply with prison rules or guards’ demands are seen as indicators of her being ‘out of control’. This reflects correctional discourse that categorizes women prisoners who do not comply with stereotypes of female passivity as “dangerous” and “unempowerable” (Hannah-Moffat 2001: 177), thus justifying the use of punitive restraints to maintain security.

The second evaluation, however, recognizes Smith’s behaviour as a response to the conditions of her incarceration. According to Jessica Fair, the unfair treatment Smith received included being kept in restraints longer than she was supposed to be, being unaware of what to expect from the guards, and being held in ‘the hole’ for “a stupid reason [that] [...] didn’t make sense to her”. The type of treatment that Smith experienced reflects what Liebling refers to as immoral prison practices, which lack fairness and respect and consequently “generate negative emotions such as anger, tension, indignation, depression and rage” (2011: 534). The first evaluation positions the problem as inherent to Smith’s ‘uncontrollability’, whereas the second

²³ The ‘wrap’ is a cocoon-like restraint device that removes all possibility for movement. It is a body bag with restraint belts that are secured from the feet to the shoulders and includes a hockey helmet placed on the prisoners head to prevent injury if they fall over. After being restrained in the ‘wrap’, guards had to pick Smith up in order to move her because bodily movement was rendered impossible.

evaluation contextualizes her actions within the immorality and unfairness of her carceral treatment.

These conflicting evaluations are positioned directly after the NBYC is narrated as punitive rather than therapeutic, thus framing Smith's behaviour within the context of her mistreatment. The resolution of the previous contradiction lends legitimacy to the interpretation of Smith's behaviour as stemming from the conditions of her incarceration rather than solely from mental illness. In this way, previously supported evaluations impact the resolution of subsequent conflicts and the supported evaluations build upon one another to advance a particular argument about the case. Furthermore, Fair's explanation of Smith's actions as a response to things that "didn't make sense to her" is immediately followed by footage of Smith being restrained in the wrap and "forced to lie in her own urine" (Gartner narrating) after she is said to have acted out, which presents her treatment as lacking fairness, clarity, or respect. Taken together, the way that the conflicting evaluations are presented and positioned lends greater validity to the second evaluation that situates Smith's behaviour as resulting from being held in 'the hole' and treated unfairly.

Emphasising the punitiveness of the prison's response is carried through in the next segment, which describes the complicating action of Smith being moved to an adult facility. While at the adult facility, Smith's mistreatment worsened (e.g. she was "Tasered twice in the space of one month") and during a Christmas visit her mother noticed scars on her arms from self-injury. Following the narration of this action, and echoing feminist claims (Kilty 2006, 2010; Martel 2001; 2006), is Coralee Smith's evaluation that Smith's self-injury should have been treated as "a cry for help", not as a punishable offence. This comment is followed by video footage of Smith being threatened with Taser guns and forced to "get up on the bunk" despite her

protests of having “nothing on”, and by an evaluation statement claiming that instead of giving her mental health care, “prison made Ashley worse” (Gartner narrating). While these two evaluations do not directly conflict, Coralee Smith’s claim about what should have happened (i.e. Smith receiving psychological help) is situated to challenge the description and video footage of what actually happened (i.e. the use of physical and chemical restraints, pepper spray and Taser). This juxtaposition highlights the inhumanity of Smith’s mistreatment and further advances the narrative that the prison is punitive rather than therapeutic. According to Liebling’s (2011) work on the moral performance of the prison, humanity is one of the key dimensions or primary values that prisoners identify as important to their quality of life. In building on Liebling’s work, Kilty (2014) identifies how the Smith case is a tragic example of the immoral performance of the prison. By presenting Smith’s mistreatment as inhumane, the documentary narrative reflects Kilty’s argument that Smith was “dehumanized” (2014: 248) and thus denied one of the key dimensions of being treated morally.

As aforementioned, resolving conflicting evaluations is how the through narrative in *Out of Control* is advanced. The three segments discussed thus far construct a through narrative that shows Smith as in need of psychological help, being treated harshly instead of receiving mental health care and assessment, and subsequently becoming more despondent and self-injuring more frequently. The way that a set of conflicting evaluations is resolved impacts the resolution of subsequent contradictions and guides the discussion towards particular aspects and arguments about the story. The evaluations that are given greater legitimacy become the themes that comprise the through narrative and that connect and contextualize the various segments of the

documentary. This process continues throughout the documentary²⁴ and creates a particular narrative framework for the final complicating action and results.

The final complicating action described in *Out of Control* involves guards obeying orders not to intervene when Smith tied a ligature around her neck. Two conflicting evaluations of this action are presented: 1) the president of the guards' union, Jason Godin, emphasizes that guards were obeying orders from upper management and "insists they had no choice" (Gartner narrating); and 2) the guards are presented as immoral for choosing their jobs over preserving Smith's life. In support of the second evaluation, federal correctional investigator Howard Sapers is shown responding to Gartner's question of whether he would have gone into Smith's cell to preserve her life; he states that "[he] think[s] [he] would do everything in [his] power to get through that door". An interview clip of Coralee Smith asking "what human beings do that?" further emphasizes the inhumanity of the guards not intervening. Between the conflicting evaluations of the guards' inaction, the argument that they did have a choice and that they chose to prioritize their own livelihoods over Smith's life is given greater legitimacy. Godin's evaluation that argues they had 'no choice' is undermined by being presented as an attempt to deflect responsibility.

Directly following the resolution of this final set of conflicting evaluations, the narrative result is presented: "after serving three years, eleven months, and fifteen days, inmate Ashley Smith is pronounced dead at 8:10am" (Gartner narrating). The evaluations of Smith's death emphasize how "Ashley didn't take her life, they did" (Coralee Smith). The themes of harsh, punitive practices and CSC's failure to provide mental health care that were highlighted in the

²⁴ The remainder of the complicating actions and evaluations for *Out of Control* are described in Appendix B.

through narrative provide the viewer with an idea of what led to this result; Smith's death is summed up in a narrative about how "through the whole system they failed her, they all failed her" (Coralee Smith).

A second narrative result is that the warden and deputy warden of Grand Valley Institution were dismissed from CSC, and that "a manager and three guards were also fired and charged with criminal negligence causing death" (Gartner narrating). Following mention of these facts, there is a discussion of how only "people very low down on the ladder were disciplined" (Gartner narrating), which is supported by a scene showing Coralee Smith asking "who gave that order?" The feeling of unresolved problems that this documentary ends with allows for the coda, which comments upon how things are now, to present CSC as continuing to fail in addressing prisoner mental health needs and continuing to hide its practices; the threat that CSC poses to mentally ill young people is thus presented as an ongoing institutional problem.

The process of creating the through narrative in *Out of Control* emphasizes particular themes and details, and legitimizes certain evaluations of the Smith case. For every detail, comment, or evaluation that is supported, there are several others that *could have been* highlighted to create a different through narrative. For instance, providing more support to the evaluations that present Smith as 'bad' and the youth centre as a "safe and secure" place that legitimately attempted to provide her with help would have created a different through narrative. It would no longer be a story about "a young girl who cried out for help and never got it" (Gartner narrating), but rather one about a girl who was given treatment that did not help her. In this way, presenting a different evaluation as more legitimate would change the trajectory and themes of the through narrative. Moreover, the through narrative would also be different if greater emphasis were placed on briefly mentioned details of the story. For example, the

discussion of Smith acting out could have focused on the distress from being “a two hour drive from home” (Gartner narrating), and the discussion of her mistreatment could have been contextualized within the feminist criminological critiques that problematize the gendered correctional expectations for women prisoners. As I discuss in the last section of this chapter, these potential themes are pushed to the margins and left out of the through narrative.

In *Out of Control*, the evaluations that are given greater legitimacy create the through narrative by comprising the themes and details of the story that are deemed significant and by connecting the various segments of the documentary in order to facilitate internal coherence. This allows alternate evaluations (i.e. the unsupported evaluations) to be presented without undermining the arguments of the through narrative. Although the through narrative has been constructed, the conclusions reached (i.e. Smith’s life was taken from her; Canadian prisons are a threat to Canadian youth) appear to have simply been ‘found’ in the facts of the case. The creation of a through narrative also occurs in *Behind the Wall*, in which complementary instead of conflicting narratives are used to advance the documentary’s main arguments.

Building Complementary Narratives

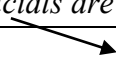
The pattern of resolving conflicting narratives that is prevalent in *Out of Control* is not as apparent in *Behind the Wall*. While there are a few points where conflicting evaluative scenes are shown, resolving contradictions is not what is used to construct the through narrative or to guide the documentary forward. Instead, *Behind the Wall* is organized by building narratives that complement, corroborate, and support one another. This is done in two ways: through complementary evaluations and through the construction of a surrounding narrative that frames and corroborates the documentary’s main narrative. I use the term ‘complementary evaluations’ to refer to those evaluations that interpret the action from a similar angle and position. As was

the case in *Out of Control*, *Behind the Wall* presents a complicating action followed by several evaluative scenes about the particular action. What is distinct in this documentary, however, is that the evaluations are mutually supportive and corroborative; they do not create conflicts that need to be resolved. In *Behind the Wall*, the evaluations build upon one another to advance one key argument about a particular action. The key arguments of complementary evaluations are then used to help comprise the through narrative.

Behind the Wall's through narrative is also created by the presentation of a surrounding narrative that corroborates and supports the evaluative claims of the main narrative. The main narrative (MN) examines what is happening 'behind the wall', namely the story of abusive practices being used against prisoners like Smith that are then subject to correctional cover up. Its complicating actions include events such as Smith's mistreatment (e.g. frequent transfers, permanent isolation, multiple assaults against her), the comparative example of fellow prisoner Justine Winder²⁵ similarly being restrained on a Pinel board, and abusive practices being hidden by an unwritten code of silence. In this way, the main narrative focuses on prison practices themselves. The surrounding narrative (SN) tells the story of the *Fifth Estate* seeking answers about what is happening in Canadian prisons. This narrative consists of events such as Gartner receiving a phone call from CSC indicating that only CSC approved spokespersons are available for interviews, the *Fifth Estate* being prevented from accessing the Regional Psychiatric Centre, and CSC Nurse Cindy Tertruski stating over the phone that she is too afraid to do an interview. Most of the complicating actions in the surrounding narrative are shown as they happen (e.g. footage of Gartner trying to access the psychiatric centre and being denied entry), which also

²⁵ Justine Winder is referred to as "another inmate in crisis" (Gartner – narrating) and as "pretty close to another Ashley Smith" (Stirling de Wolfe). She was incarcerated after "a fight with her boyfriend turned ugly" (Gartner – narrating) and while in the federal system she began to self-harm and was mistreated in ways similar to Smith.

indicates how difficult it was to uncover the main narrative. The following chart visually demonstrates and describes how complementary evaluations and narratives create the through narrative in this documentary; examples are included in italics.

Complicating Action A (MN) (event from MN described) <i>e.g. John Torella²⁶ dismissed for an assault against Smith → guards rally around Torella (threats and violence towards witnesses) → Torella acquitted</i>			Complicating Action B (SN) (event from SN described) <i>e.g. CSC Nurse Cindy²⁷ afraid to be interviewed by the Fifth Estate</i>
Evaluation (of the MN) <i>e.g. violence against witnesses as a national problem</i>	Evaluation (of the MN) <i>e.g. Torella’s lawyer claims that he did what he had to</i>	Evaluation (of the MN) <i>e.g. people afraid to be witnesses against the abuse</i>	Evaluation (comments on the complicating action of the SN) <i>e.g. speaking out about abuses is dangerous</i>
The evaluations build upon one another. <i>(e.g. guards across the country are being acquitted of violence against prisoners by silencing witnesses and arguing in court that they ‘did what they had to’)</i>			The SN shows the <i>Fifth Estate’s</i> struggles in documenting what is happening behind the walls of Canadian prisons.
<i>In the example, the complementary evaluations and the surrounding narrative suggest that CSC officials are hiding prisoner abuse by threatening witnesses.</i>			
 Complicating Action (MN) (the next action is framed by the previous complementary evaluations; sometimes the actions in the MN and SN are discussed in succession rather than in the same set of scenes – these actions are presented separately in the narrative map, as in this example, not side by side) <i>e.g. Smith kept in segregation for 4 years by the NBYC and by CSC transferring her 17 times</i>			
Evaluation (comments on the MN’s action) <i>e.g. isolation emotionally damaging to Smith</i>		Evaluation (comments on the MN’s action) <i>e.g. segregation and transfers are illegal</i>	
The evaluations complement and corroborate each other. <i>(e.g. the evaluations present Smith’s incarceration as illegal and inhumane, and when connected to the previous discussion of the SN, as but one of many examples of abuse)</i>			

²⁶ John Torella was a CSC supervisor who was charged with assaulting Smith while she was choking herself.

²⁷ Cindy Tretruski was the nurse on duty when Smith was assaulted by Torella; she initially filed a false report and then three days later came forward to report Torella's actions.

The narrative map for *Behind the Wall* that is included as Appendix C expands this chart by mapping out all the complicating actions and evaluations of the documentary, indicating which actions comprise the main and surrounding narratives, and describing how the evaluations and narratives complement and support one another. It also shows how the final event of the main narrative is evaluated (i.e. Smith's death). In the rest of this section, I describe in detail several consecutive segments from *Behind the Wall* in order to demonstrate how the coherent through narrative is constructed. Specifically, I describe the first three segments and the last three segments, as well as the narrative result. The reason for choosing to describe these segments is that they provide enough content to discuss the arguments and the through narrative of *Behind the Wall* and they clearly demonstrate how complementary evaluations and narratives are used to create the through narrative.

After the abstract and orientation segments in *Behind the Wall*, two complicating actions are described, one from the main narrative and one from the surrounding narrative. Since the first complicating action of the main narrative describes Smith being moved to the Regional Psychiatric Centre, the first complicating action of the surrounding narrative shows the *Fifth Estate* going to the same centre "looking for clues" (Gartner narrating). The surrounding narrative is depicted by shots of Gartner driving into the facility and of interviewees having their microphones set up or getting out of their cars and walking into a building. The evaluation of this surrounding narrative presents witnesses' difficulty and fear in coming forward "to speak to what [they] believe in" (Bonnie Bracken²⁸). In fact, fear of speaking out is a key theme in the

²⁸ Bonnie Bracken was a nurse for 25 years at the Regional Psychiatric Centre who interacted with Smith on many occasions while she was there.

surrounding narrative and it corroborates the discussion in the main narrative about abusive practices being hidden.

The main narrative's first complicating action is Smith being sent to the Regional Psychiatric Centre, where she "came with a reputation for being the most difficult female inmate" in Canada (Gartner narrating). The evaluation presented by Bracken shows that, even though Smith was "oppositional" at first, she was always "fine" with Bracken after an initial violent incident when Bracken chose to bring in supper instead of charging her for assault. According to Bracken, "Ashley could've been helped". Following Bracken's evaluation, an interview with Kevin Grabowski and Pierre Mallet, two guard union representatives, shows how "guards had a very different response to Ashley [...] to control and contain her" (Gartner narrating). In this interview, Grabowski and Mallet are presented as seeing prisoners as inmates rather than patients and as valuing institutional rules over therapy. This interview positions the lack of therapeutic care at the psychiatric centre as stemming from the focus on institutional rules and security. The evaluation that Smith "could've been helped" (Bracken) is explained as unattainable due to the focus on controlling and containing Smith for the purpose of upholding institutional rules. In this way, the two evaluations build upon one another.

In the second complicating action of the main narrative, Smith is described as frequently breaking institutional rules, "everything from spitting to cutting and choking" (Gartner narrating), and Bracken reports that the guards became "very aggravated" and that in one of the incidents they stood outside her door when she was choking herself, "kicking her door and saying 'are you dead yet'". The first evaluation of this complicating action presents it as one of "many cases of physical and, and more perhaps emotional, psychological abuses" (Linda

Atkinson²⁹). When Gartner asks Grabowski and Mallet about the incident, however, they dismiss it as a lie. While their dismissal of the incident would appear to be a conflicting evaluation, it is actually positioned in a way that corroborates Bracken and Atkinson's evaluation of how a 'code of silence' causes such abuses to go unreported. Temporally, the evaluation by the guard representatives is positioned right after it is mentioned that there have been many witnessed cases of abuse and right before the discussion of how the code of silence makes staff "afraid to speak up against security" (Bracken). This juxtaposition presents Grabowski and Mallet's evaluation as an example of the code of silence at work rather than as a legitimate conflicting evaluation. Moreover, the surrounding narrative corroborates the claim that abusive practices remain hidden by showing the fear experienced by interviewees, such as Bracken and Atkinson, who spoke up about these abuses.

The third complicating action of the main narrative describes Smith being held in isolation, using ligatures to choke herself, and guards being ordered not to intervene. Bracken's evaluation of Smith's treatment points to how there was no psychological care provided despite the status of the centre as a "psychiatric care centre". Following this, Grabowski is shown claiming that the reason for not responding is that "it could be a set-up". The interview clip shows him stating that preserving life will "never be at [the guard's] expense". Gartner's narration of how "Ashley was caught in the divide between security and treatment" connects Grabowski's claim that the guards' concern is security and containment and Bracken's claim that Smith received none of the promised mental health care. Taken together, these evaluations present Smith's self-harming behaviours and the failure to provide her with care as the result of

²⁹ Linda Atkinson is a social worker who previously worked as a guard.

an over-emphasis on security and containment, a point well documented in the feminist scholarship (Kilty 2006, 2010; Martel 2001; 2006).

The complicating actions and evaluations discussed so far construct a through narrative about institutional rules and security being prioritized over mental health and leading to prisoner abuse, which is then hidden by a code of silence. While there are multiple evaluations of each action, they build upon one another to present a key evaluation or argument. Moreover, the details of the surrounding narrative serve to further corroborate the complementary evaluations that are presented. In this way, each segment (i.e. collection of scenes that describe and then evaluate a complicating action) in *Behind the Wall* presents a central argument about a particular action, which then helps to create and advance the through narrative.

The last three complicating actions in the documentary draw from the surrounding narrative and build upon the through narrative's focus on the hidden nature of abusive prison practices. After Don Davies³⁰ reveals in an interview that CSC provides no mental health care and uses Pinel restraints for periods as long as three months, a CSC representative is shown blocking the *Fifth Estate* from "document[ing] for Canadians the conditions inside prisons" (Davies). This is immediately followed by a second interview with Faye and Stirling de Wolfe³¹, who were previously shown discussing their concern about Justine Winder's treatment, which is similar to Smith's. In this follow-up interview, the couple is presented as having been silenced from speaking negatively about Winder's situation out of fear that she would "be punished for anything [they] might say" (Gartner interviewing). These two complicating actions provide

³⁰ Don Davies is an NDP Member of Parliament and is "vice-chair of a Parliamentary Committee studying mental health care in [Canadian] penitentiaries" (Gartner narrating).

³¹ Faye and Stirling de Wolfe are described as having taken Justine Winder into their home five years earlier after having met her at a local women's shelter. Gartner notes how Justine now "calls them mom and dad".

examples of CSC actively concealing prison conditions, which corroborates the claims of the main narrative (i.e. abusive practices are hidden from the public). As discussed in the literature review, bureaucratic red tape (Doyle & Ericson 1996) and “selective publicity” (Ericson 1995) often restrict journalists’ ability to gain access or information about criminal justice institutions. The surrounding narrative provides an example of this restricted access at work, but also demonstrates how the *Fifth Estate* uses footage of being denied access in order to corroborate the arguments being advanced in the documentary.

Directly following these complicating actions, Coralee Smith is shown to be “not at all hesitant in speaking out” (Gartner narrating). Her desire to have “it all out in the public eye” (Coralee Smith) is narrated as “[n]ot just for Ashley, but for the others who she says are suffering the same fate” (Gartner narrating). Juxtaposed against CSC’s desire to maintain secrecy, Coralee Smith’s efforts to have everything made public (i.e. all videos and all documentation about Smith) emphasize the importance of correctional transparency, especially in light of prisoners such as Winder who continue to be mistreated.

The next complicating action is from the main narrative and shows video footage of guards responding violently with pepper spray to an incident where Smith was choking herself. Positioned directly following Coralee Smith speaking of her concern about other prisoners “suffering the same fate” as her daughter’s, this complicating action highlights the importance of transparency regarding CSC’s practices. The evaluations of this incident, provided by interviews with Sapers and Falconer, demonstrate how mentally ill patients are punished rather than treated, how CSC broke the law, and how these practices are examples of torture. These evaluative comments complement and build upon one another and there is no conflicting evaluation of this

action provided. Taken together, they condemn CSC's treatment of Ashley Smith and contextualize the discussion of the narrative's result that directly follows.

The final result of *Behind the Wall*'s narrative depicts video footage of guards not intervening and Smith choking to death. Positioned directly after Sapers' and Falconer's evaluations of how the penal responses to Smith were illegal and torturous, Smith's death is presented as the outcome of her mistreatment. Moreover, since the *Fifth Estate*'s ability to show viewers the video footage of Smith's final moments is partially the result of Coralee Smith's efforts to have the footage made public, viewers are incorporated into the struggle for transparency that is depicted in the surrounding narrative. By the very act of watching the documentary and the final video footage, viewers are exercising their "right to know what happened" (Gartner narrating). Presenting the final video footage as what "Corrections Canada did not want you to see" (Gartner narrating) depicts the struggle to uncover "the shocking truth about what goes on behind the walls of our federal prisons" (Gartner narrating). Moreover, it underscores Coralee Smith's final claim that "it could be anybody's child" by suggesting that if CSC hid Smith's mistreatment, there could be many other cases of abuse that continue to be hidden 'behind the wall'.

The arguments of the documentary's through narrative are advanced by showing how various evaluations corroborate one another and by sharing details of the surrounding narrative that validate the claims of the main narrative. Since the evaluations in the main narrative come from various interviewees and the surrounding narrative is primarily shown via video footage as it took place, at first glance the presentation of complementary narratives appears objective. The through narrative is presented as factually accurate; interviewees' evaluations are shown to corroborate one another and video footage of the surrounding narrative incorporates the

documentary viewer as a witness to CSC's non-disclosure of its practices. As in *Out of Control*, the constructed nature of the through narrative in *Behind the Wall* is disguised.

One of the reasons for the differences in how the through narratives are constructed in the two documentaries is that *Behind the Wall* builds on the conclusions and resolutions reached at the end of *Out of Control*. In *Out of Control*, the final evaluation about Smith's death is that "Ashley didn't take her life, they did" (Coralee Smith). This conclusion is the result of presenting and resolving several conflicting evaluations throughout the documentary. Since *Behind the Wall* is a follow-up on the case, there is no need to present conflicting narratives that were previously resolved. Instead, *Behind the Wall* begins from the position that Smith's life was taken by asking questions such as "Who did that to Ashley?" (Coralee Smith). Since the conflicting narratives of what happened to Smith were resolved and conclusions about the case were already reached, complementary narratives could be built upon the pre-established argument that CSC poses a threat to prisoners suffering from mental distress or illness. In this way, building the through narrative of *Behind the Wall* with complementary narratives is made possible by the previously resolved contradictions and conclusions drawn in *Out of Control*.

An important aspect of narrative coherence is that it fulfills a desire for closure and moral meaning by imposing a structure that allows moral claims about an event to be made (White 1987). Despite their differences, this is certainly the case for the through narratives in the two documentaries. By resolving conflicting narratives and building complementary narratives, the documentaries construct through narratives that lead to the following conclusions: Canadian prisons are hiding abusive practices towards mentally ill prisoners which is a form of "torture" (Julian Falconer, *Behind the Wall*); "the public has a right to know" about these practices (Gartner narrating, *Behind the Wall*); and significant improvements need to be made to the

treatment of prisoners with mental illness (Sapers, *Out of Control*). These conclusions are distinctly moral; they construct CSC's treatment of Smith as inhumane and its failure to be transparent as denying Canadians their *right* to know what happens in prison. These conclusions also suggest that making significant improvements to the treatment of prisoners who self-injure or suffer from mental distress or illness would be a morally worthy response to the tragedy of Smith's death. The through narratives not only make sense of the Smith case, they also infuse it with moral meaning. This reflects scholarship that identifies the moral values, such as respect, humanity, and fairness, as being crucial to how prisoners experience their incarceration (Kilty 2014; Liebling 2011). The various complicating actions that comprise the documentary's narrative are not simply presented as the facts of the case, but as actions that are right or wrong, moral or immoral, humane or inhumane. In this way, the arguments made about the Smith case in *Out of Control* and *Behind the Wall* advance particular moral interpretations and moral claims about the incidents discussed.

While the internal coherence of the through narrative allows the documentary to make sense of the event and infuse it with moral meaning, its structure and arguments result in the marginalization of other issues or points of discussion. As White argues, the coherence facilitated by narrativity "is and only can be imaginary" (1987: 24). Real events do not present themselves in the structured coherence of a narrative and consequently any attempt to present them as such involves a process of selecting, deleting, emphasizing, marginalizing, and tilting various details, comments, and evaluations. The through narratives in *Out of Control* and *Behind the Wall* fundamentally represent many decisions about how to frame and present the case. In the next section I discuss how these through narratives adhere to external discourses that are legitimated in contemporary culture and politics.

External Coherence

As discussed in the theory chapter, coherence to society's régime of truth, or "'general politics' of truth" (Foucault 1977a: 131), is necessary for the arguments and moral claims of the documentaries to be considered legitimate. Since a régime of truth is comprised of the "types of discourses which it accepts and makes function as true" (Foucault 1977a: 131), it is not simply an ideology or specific set of ideas. Instead, it is the mechanism by which many "types of discourse" are conceptualized as either true or false. In order to ground the discussion of the documentaries in a particular set of discourses, the theory chapter outlined the notion of external coherence within the context of the decline of gendered critique and the individualization of the structural factors linked to women's criminalization. Despite the persistence of gendered inequality and marginalization, discourses that suggest "we are all equal now" abound (Brodie 2008a: 160). These discourses emphasize individual responsibility and reframe socially and institutionally based inequalities as individual problems. Since western democracies are assumed to have equality between the sexes, feminist and gendered critique is often marginalized or deemed irrelevant (Brodie 1995; 2002; 2008a; Sawyer 2006; 2008; Vickers 2006).

For the purposes of this project and discussion, external coherence is understood as adherence to these individualizing discourses and those that create a "veneer of equality" (Kingfisher 2002: 29). While I could have considered other discourses made to function as true within our current general politics of truth, this focus facilitates an exploration of how the documentaries' external coherence is connected to the silencing of gendered critique in contemporary politics and culture. In my analysis of *Out of Control* and *Behind the Wall*, external coherence is particularly evident in the issues that are used to expand the discussion beyond the specific case of Ashley Smith. In the next section, I explore how the presentation of

the Smith case as an issue that should concern ‘every Canadian’ adheres to notions of individuality, gender neutrality, and the need to ‘fix’ those that fail to be “rational, independent individual[s]” (Kingfisher 2002: 16).

Appealing to ‘Every Canadian’

Both documentaries emphasize that the Smith case should be a concern for “every Canadian” (Davies, *Behind the Wall*) and there are several points where the discussion extends beyond the specific case³². In fact, the Smith case is in many ways used as a foundation for discussing “how kids with mental health and behavioural problems are treated behind bars in this country” (Gartner narrating, *Out of Control*). In order to expand beyond the case and appeal to “every Canadian”, the documentaries focus on emotionally laden issues (e.g. treatment of youth with mental illness, abuses of power, denial of safe and humane care) and construct narratives that leave little room for dispute about the immorality of what is revealed.

In *Out of Control*, isolating prisoners with mental health issues is revealed to be a common but inhumane and often illegal practice. Sapers is “convinced [that] isolating inmates with mental disorders is unsafe and inhumane” (Gartner narrating) and “point[s] out that failure to provide care is against the law [and] [s]o is keeping someone in segregation indefinitely” (Gartner narrating). Similarly, *Behind the Wall* reveals “the shocking truth” that “Canadian prisons punish the mentally ill” (Gartner narrating). Both documentaries emphasize how this abuse of mentally ill patients is not limited to the Smith case. In *Out of Control*, it is mentioned

³² It is important to note that I do not intend references to ‘every Canadian’ or to the documentary ‘viewers’ to in any way suggest that the audience of these documentaries are either homogenous or merely passive receivers of information. As mentioned in the literature review, Doyle (2006) and Ericson (1991) problematize such assumptions in media scholarship as being “media-centric” and “reductionist”. Instead, I refer to ‘viewers’ and to ‘every Canadian’ in order to discuss the aspects of the documentaries that are *aimed* at appealing to the interests and concerns of a broad national audience. Throughout the analysis, I have attempted to keep my claims at the level of analyzing the documentaries themselves without making assumptions about how they have impacted viewers.

that there have been 17 more suicides in federal prisons since Smith's death³³ and Gartner claims that "if Corrections Canada refuses to make significant improvements more prisoners will die". Moreover, the Smith case is described as "a classic model of the failure of our [...] corrections system to adequately care for the mentally ill in society" (Peter van Loan³⁴) and it is revealed that there are "young people in jail for minor infractions, for mental [...] conditions not being treated" (Coralee Smith).

In *Behind the Wall*, interviewees discuss how there are "many cases of physical and more perhaps emotional, psychological abuses" (Linda Atkinson) that remain unreported and have become "accepted behaviour" in the prison environment (Bonnie Bracken). This point is corroborated by Bracken's mention of "a male patient that was a lot like Ashley" that she witnessed being beaten and by the discussion of Justine Winder's case. These evaluations and testimonies present the abuse of mentally ill prisoners as a common occurrence, rather than an unusual incident. In this way, the Smith case is used as a foundation upon which to discuss the broader issue of prisoners with mental illness being illegally and inhumanely treated in a manner that is connected to their death. These statements suggest that failure to provide adequate mental health care is a common problem across Canadian prisons and positions both the lack of care and existing punitive practices (e.g. the use of Taser guns, pepper spray, segregation, and restraints) as harmful to a highly vulnerable population. This reflects psychiatric literature that connects lack of care with "disability, social instability, substance misuse, illness, and criminality" (Simpson, McMaster, & Cohen 2013: 507) and argues that more mental health services need to

³³ A recent report by the Office of the Correctional Investigator (2014) indicates that between 2010 and 2014 there have been 33 suicides in federal corrections, which brings the number of suicides since Smith's death to 50.

³⁴ Peter van Loan is a Conservative Member of Parliament and at the time of the interview was the Minister for Public Safety who is responsible for overseeing Canada's federal prison system.

be made available in Canadian corrections (Brink, Doherty, & Boer 2001; Simpson, McMaster, & Cohen 2013; Welsh & Ogloff 2003).

The way that the documentaries position the punishment of mentally ill prisoners and the lack of mental health care as the main issues or concerns revealed by the Smith case keeps the discussion at the level of individualized problems. As discussed in the literature review, in their critique of the therapeutic practices in women's prisons, Pollack (2000; 2006) and Pollack and Kendall (2005) argue that a psychological focus fails to consider structural or institutional oppression, such as sexism, racism, and classism. Instead, it suggests that "the problem *and the solution* to the problem, lie within the individual woman herself" (Pollack 2000: 79, emphasis in original). This understanding of women's offending rests on the notion that criminalized women are unable to behave rationally due to being emotionally and psychologically "disordered" (Pollack and Kendall 2005: 76). The emphasis in the documentaries on "condemn[ing] the practice of punishing mentally ill inmates" (Gartner narrating) indicates that mistreatment is particularly egregious when the prisoner is mentally ill because they are already damaged and unable to make rational decisions. Focusing on individual characteristics (i.e. mental illness) does not challenge how structural factors, such as gender, race, and class, play a role in offending, criminalization and the oppressive conditions of the prison environment. Furthermore, it implies that it is appropriate for the prison to punish prisoners who are *not* deemed mentally ill.

The focus on mental illness in the documentaries and the presentation of Smith as psychologically disordered also advances the notion that prisoners 'like Smith' similarly need to be 'fixed'. This premise is connected to the long history of pathologizing women prisoners who are constituted as "transformative risk subjects" (Hannah-Moffat 2005). From the beginning of the first documentary Smith is categorized as one of the "kids with mental health and

behavioural problems [...] behind bars” (Gartner narrating). Subsequently, the abuses and mistreatment Smith suffered in prison are framed as resulting from CSC’s failure to provide psychological treatment or assessment. In fact, Gartner states that “no one knew how to handle Ashley, because no one knew what was wrong with her” (narrating, *Out of Control*). While this comment does focus on CSC’s failure to provide mental health assessment or care, it does so in a way that fundamentally assumes that Smith was psychologically maladjusted. Similarly, the argument that “prison made Ashley worse” (Richard, *Out of Control*) underscores that Smith had pre-existing mental and/or emotional problems that were aggravated by her experiences in prison. The proposition that there is “something wrong on the inside” (McCorkel 2003: 70) locates the individual prisoner as the site for intervention and suggests that a key issue in the prison’s mistreatment of Smith was that they failed to ‘fix’ her.

By focusing on the lack of mental health care in Canadian prisons, the documentaries also leave unquestioned what constitutes ‘treatment’ for women prisoners. According to Pollack (2006) and Pollack and Kendall (2005), therapeutic approaches in women’s corrections encourage women to see themselves as having a “criminal personality”, are wrought with coercion and power imbalances, and often emphasize treatment techniques such as “distress tolerance”, which teach women how to “bear pain skilfully” (Pollack & Kendall 2005: 79). These approaches primarily serve the purpose of “‘taming’ women whose unruly emotions may interfere with the smooth operation of the prison” (Pollack 2006: 245) and have the potential to undermine women’s resistance to harmful or abusive prison practices, such as segregation, chemical restraints, and strip-searching.

By failing to challenge what constitutes treatment in women’s corrections or what purpose(s) it serves, the documentaries present the Smith case as merely a problem of Canadian

prisons not providing *enough* treatment, the solution being to provide *more* of the therapeutic approaches that Pollack and Kendall argue are problematic. As discussed in the literature review, several feminist scholars have problematized how efforts to reform women's prisons, such as *Creating Choices* (TFFSW 1990), often serve to merely reinforce the use of incarceration (Hannah-Moffat 1995; 2001; Shaw 1992). The *Fifth Estate's* call for more treatment could similarly be appropriated as a call for increased incarceration of women deemed mentally ill. The documentaries essentialize Smith's mental distress as an individual pathology (Kilty 2014) and suggest that more mental health treatment is needed to 'fix' prisoners like her, which consequently opens up a space where calls for the expansion of the women's prisons could be justified under the guise of 'treatment'. This focus on individuals as the site for intervention upholds discourses of individual responsibility that have been legitimated in contemporary culture and politics, thus maintaining the external coherence of the documentaries.

External coherence is also upheld in the evaluations of how orders were given not to intervene when Smith was choking herself and how the guards following these orders led to her death. These evaluations, which directly follow the video footage of Smith's final moments, present the unidentified supervisor who gave the orders and the guards who failed to intervene as individually responsible for Smith's death. While CSC is characterized as a controlling and fearful place to work, where an employee can be fired for intervening to preserve a prisoner's life, the emphasis in this discussion is on the guards and the unidentified supervisor, not the immorality of the institutional culture. Moreover, comments by Godin about how the guards were given "no choice" indicate that staff are conditioned to obey orders without question, but his comments are quickly over-shadowed by the argument that guards *did* have a choice between

livelihood and saving a life; any mention of guards having “no choice” is presented as a deflection of responsibility rather than explored as an indication of institutional conditioning.

Near the end of *Out of Control*, Coralee Smith asks three times “who gave that order”, suggesting that orders coming from a specific individual caused Smith’s mistreatment and death. Similarly, Gartner directly asks the federal Correctional Investigator whether he would have gone into the cell to save Smith’s life at the cost of his job and Sapers responds by stating that “knowing that somebody’s life is at risk, and they’re just on the other side of a door, [he] think[s] [he] would do everything in [his] power to get through that door” (*Out of Control*). This presents the failure to intervene when Smith was asphyxiating primarily as the result of individual decisions to value one’s personal livelihood over a prisoner’s life. Moreover, Sapers’ evaluation makes a moral argument about the guards’ inaction and encourages viewers to position themselves with him on the side that values the preservation of life above all else. In this way, the individual giving the orders and the guards who failed to intervene are constructed as responsible for Smith’s death, which leaves out any discussion of the role that institutional culture played in her death and conceptualizes the case as a problem of immoral decisions made by select individuals.

At the end of *Behind the Wall*, Coralee Smith makes broad statements about how “it could be anybody’s child” and how this is “what we’re doing to our Canadian citizens”. These statements attempt to appeal to the emotions and concerns of the Canadian public by emphasizing how the same abuse and lack of care that Smith experienced could happen to anyone. As mentioned in the literature review, Mopas and Moore (2012) identify the importance of emotions when discussing criminal justice issues. By highlighting how what happened to

Smith could happen to “anybody’s child”, the injustice of the case is presented in a highly emotional manner. Moreover, scenes that emphasize the turmoil of Smith’s parents, such as the interview with Coralee Smith in her daughter’s old bedroom and a scene in *Out of Control* that shows Smith’s father visiting her grave, invite viewers to experience the emotional loss with them. In this way, the arguments about how inhumane and immoral CSC was in its treatment of Smith are paired with and reinforced by appeals to viewers’ emotions.

Furthermore, the concerns raised about the mistreatment of mentally ill prisoners and failures to provide care or preserve life leave little room for dispute about whether they are issues every Canadian should care about. Since the documentaries build upon the premise that mental illness needs to be treated or ‘fixed’, the basis of the discussion adheres with discourses of individualism that abound in contemporary culture and politics. This subsequently renders the moral claims built upon this premise, such as the importance of providing care to mentally ill prisoners and the inhumanity of punishing someone for their mental illness, uncontroversial and seemingly self-evident in the facts of the case. In this way, external coherence allows the documentaries to make legitimate arguments and moral claims about the issues being discussed. As I discuss in the next section on subjugated knowledge, this leaves unexplored more controversial concerns, such as a gendered critique about women’s incarceration.

Internal and external coherence are inextricably linked; the through narrative could not make legitimate arguments without being externally coherent and the arguments made in the documentaries would not make sense if not for internal coherence. Moreover, internal and external coherence are achieved simultaneously in the documentaries. As the internally coherent through narrative about the case is advanced, so are externally coherent arguments about the significance of the case. Not only are internal and external coherence co-dependent, they are also

fundamentally connected to how certain forms of knowledge, such as gendered critique, remain suppressed in the documentaries. In the next section I discuss the briefly mentioned details that are left unexplored as a form of subjugated knowledge; this unexplored content is not included as a theme in the through narrative or as an issue that should be of concern to Canadians.

Subjugated Knowledge

Foucault (1976a) discusses subjugated knowledge in connection with the coherence established by a unitary body of theory. One type of subjugated knowledge he describes is “the historical contents that have been buried and disguised in a functionalist coherence or formal systemisation” (1976a: 81). According to Foucault (1976a), coherence results in the subjugation or burial of particular content or competing claims. This subjugation of knowledge in order to achieve coherence occurs in the two documentaries. Maintaining internal and external coherence does not just require the creation of a through narrative that adheres with particular external discourses; it also necessitates the marginalization of content that, if explored, would undermine the already established coherence. Leaving this content unexplored subjugates any arguments that might confuse the through narrative’s focus on the (mis)treatment of mentally ill prisoners or be deemed externally illegitimate within current politics of truth. The unexplored content and comments discussed in the next section can therefore be understood as a form of subjugated knowledge.

Unexplored Content and Comments

In the documentaries, there are comments made that are not examined in detail. Some of this unexplored content was mentioned in the previous section on through narratives, namely those details or comments that *could have* been picked up as significant by the through narrative,

but were not (e.g. Smith being held far from home). Decisions about what content to expand upon and what content to leave unexplored greatly influence the narrative that is built and the arguments that are advanced about the event. While many details are left unexplored in the documentaries, I focus on gender, which is mentioned, but not significantly examined or included in the through narrative. In fact, any mention of gender is overshadowed by the themes used to create a through narrative that appeals to ‘every Canadian’, specifically, the abusive treatment of and lack of care for mentally ill prisoners and the lack of transparency surrounding these practices. The emphasis on these themes pushes the potential discussion of gender to the margins. In order to demonstrate the marginalization of gendered critique, this section provides several examples of where gender is mentioned but remains unaddressed as a point of discussion.

As aforementioned, the narrative summary in the abstract of *Out of Control* states that this is the story of “a young girl who cried out for help and never got it” (Gartner narrating) and the initial orientation segment narrates that Smith had a “girly” doll collection and had been a “sweet, playful girl” (Gartner narrating). While these statements mention that this is a story of a girl, they do so in a way that emphasizes Smith’s initial adherence to cultural expectations of femininity, rather than in a manner that offers gendered critique of women’s criminalization and imprisonment. According to Schippers (2007), hegemonic femininity can be understood as “the characteristics defined as womanly that [...] guarantee the dominant position of men and the subordination of women” (94). Such characteristics of femininity include physical vulnerability and compliance (Schippers 2007), and “weakness, submission, domestication, nurturance, and ‘ladylike’ behaviour” (Steffenmeier & Allan 1996: 476). Smith’s initial presentation as adhering to feminine stereotypes (e.g. ‘sweet’ and ‘girly’) helps to set up the argument that there is “not one clue [in her home environment] as to how everything went so terribly wrong” (Gartner

narrating). Inherent in these comments is the implication that if Smith's home life was rough or difficult or if she had been violent rather than "sweet and playful", it would have helped explain why things "went wrong".

Referencing gender only in relation to Smith's youthful adherence to cultural expectations of girlhood and hegemonic femininity is done to highlight how she *could* have been treated and 'fixed' if it were not for the punitive focus of the prison. In tracing the history of women's corrections in Canada, Hannah-Moffat (2001) identifies how there is an ongoing emphasis on rehabilitating criminalized women by making them adhere to the stereotypes of femininity. Moreover, Dell, Filmore, and Kilty (2009) argue that correctional discourses about criminalized women juxtapose the "unfeminine misbehaved woman prisoner" (288) against traditional femininity stereotypes in order to justify harsh and punitive responses to women deemed to be misbehaving. Far from challenging the stereotypes of femininity and how they impact women's corrections, the documentaries use references to Smith's childhood to suggest that correctional mental health treatment *could have* returned Smith to a state of appropriate femininity so she could go home to her doll-filled room. Implicit in the idyllic picture of what could have happened if she had been treated is the notion that adherence to femininity stereotypes is necessary to 'fix' criminalized women.

After the initial orientation segment, the documentary focuses on Smith's youthful age and mental health problems without mentioning how these intersect with gender. For example, when commenting on Smith's sentence at the NBYC Richard states that there are "a growing number of kids who, uh, are manifesting, uh, mental health, uh, problems" and Jessica Fair, who was held in the cell next to Smith's, refers to her as having been "just a baby in there". Throughout *Out of Control*, Smith is categorized as among the "youth with behavioural

problems” (Gartner narrating) and it is repeatedly emphasized that “we’re talking about a child in the youth centre” (Coralee Smith). This focus on Smith’s youthful age and mental health problems overshadows any consideration of gender and suggests that if she had been a mentally healthy adult her (mis)treatment in corrections would have been less problematic.

Similarly, the fact that Smith was held in various women’s prisons is unexplored and overshadowed by discussion of how CSC is “isolating inmates with mental disorders” (Gartner narrating, *Out of Control*). Smith’s incarceration and her isolation are connected to the mistreatment of prisoners with mental illness instead of being used as a way to address the use of segregation specifically in women’s prisons. As feminist criminologists have pointed out, segregation is often the correctional response to women deemed difficult to manage – particularly women who engage in self-injurious behaviour (Kilty 2006; Sapers 2013) or who are mentally ill (Martel 2006). A report from the Office of the Correctional Investigator (Zinger 2013) indicates that of the 14,693 federally sentenced prisoners in Canada 14,113 were men and 580 were women (approximately 4%) and that women comprise 5% of admissions to segregation. Although the prevalence of segregation use is similar in women’s and men’s prisons, Martel’s (2001) study of women’s experiential accounts of segregation indicates that segregation impacts women differently than men. For example, the women in Martel’s study reported being forced to wear a “baby doll” gown (i.e. a tunic that is tied at the sides and worn without undergarments) that was degrading and humiliating, and one woman indicated how the gown made her feel “like [she] was raped” (206). The use of the “baby doll” gown is an example of gendered differences in terms of the *experience* of segregation because it focuses explicitly on women’s sexuality and sexual objectification (Martel 2001). Moreover, Martel (2001) identifies how the segregation of women prisoners often forces them to relive experiences of past abuse.

Reports released by the Correctional Service of Canada (2007) also indicate that there are differences in the *type* of segregation placements for men and women: in 2006 to 2007, 75% of the placements in men's institutions and 91% of the placements in women's institutions classified as 'involuntary' (CSC, 2007); between 1995 and 2000, "jeopardizing the institution/others" was given as the reason for involuntary segregation in 64.2% of the placements among the female population and 58.4% for those among the male population, and "personal safety" as the reason amongst 21.0% of the involuntary segregation placements in the female population and 6.8% in the male population³⁵ (Wichmann & Nafekh 2001). These statistics indicate that there are distinct differences between male and female prisoners in terms of the type of segregation use and the reasons given for it. Moreover, a recent report by the Office of the Correctional Investigator, entitled *Risky Business* (Sapers 2013), identifies that federally sentenced women disproportionately accounted for 36% of all self-injury reports and that the correctional response to self-injury primarily consisted of a "security and/or punitive response, namely containment, isolation, seclusion and/or segregation" (para. 84).

Instead of considering the gendered aspects of segregation use, the documentaries focus on Smith's isolation solely as an inhumane response to mental illness. In fact, in *Behind the Wall* there is reference to an abused "male patient who was a lot like Ashley" (Bracken), which not only emphasizes the mental health angle over a discussion of gender but also suggests that prisoner mistreatment is gender neutral. This assumption of gender neutrality is also reflected in comments that present Smith as one of the many "inmates with mental illness in Canadian

³⁵ According to the *Corrections and Conditional Release Act*, 1992 (last amended 2015), jeopardizing the institution consists of anything that the institutional head believes to be a threat to "the security of the penitentiary or the safety of any person" (para. 31) and segregation for personal safety is justified when the institutional head believes that "allowing the inmate to associate with other inmates would jeopardize the inmate's safety" (para. 31). Both explanations of when involuntary segregation can appropriately be used are left open to individual interpretation.

prisons” (Gartner narrating). These discussions de-contextualize the gendered aspects of the isolation experienced by women prisoners like Ashley Smith and instead present it as part of the gender-neutral prison practice of “punish[ing] the mentally ill” (Gartner narrating).

In *Out of Control*, Grand Valley Institution is described as having been “built with female inmates in mind, ha[ving] a more home-y look and offer[ing] a mental health program tailored especially to women” (Gartner narrating). This specific mention of women’s corrections is used to argue that “it’s the kind of help Ashley could have used” (Gartner narrating), which suggests that correctional programming for women is inherently positive. In *Behind the Wall*, the description of the Regional Psychiatric Centre emphasizes that it is “the only psychiatric hospital in the country with a therapeutic healing program designed for women offenders” (Gartner narrating) and problematizes how “there are over 200 patients, but only 12 beds for women offenders” (Gartner narrating). Immediately following this comment, the focus returns to mental health and Gartner states that the centre is where “prisoners with the most acute conditions are treated”, which essentializes Smith’s misbehaviour as the result of untreated mental illness rather than the inhumane prison conditions and extra punitive sentence to which she was subject.

Taken together these comments do not question women’s corrections or how psy-treatment is constituted. Instead they frame the issue as a lack of adequate treatment services for women with acute cases of mental illness, the argument being that there is a need for more beds in psychiatric prison-hospitals for women offenders. This upholds the notion that women’s errant behaviour is an indication of mental sickness rather than a rational response to the conditions of their incarceration and oppression (Kilty 2006, 2012; Pollack & Kendall 2005; Pollack 2006). The correlation made between women’s offending and mental illness is not explored critically, which leaves out any discussion of criminalized women’s social, political, and economic

marginalization or the ways that explanations of women's criminality have historically been relegated to their perceived irrationality and mental instability (Menzies & Chunn 2006). These brief remarks about gender subvert gendered critique of Smith's case and women's corrections and support the through narrative's focus on the lack of adequate mental health care in prison.

Another example of gender being mentioned but left unexplored in *Behind the Wall* is found in the discussion about Justine Winder, "another inmate in crisis" (Gartner narrating). When it is revealed that Winder began self-harming while in prison, she is described as being "like so many women offenders [in that] [she] turned her anger inward. She started cutting her arms and choking herself" (Gartner narrating). This is the only comment in either documentary that directly connects self-injury with women's experiences of incarceration and it is immediately followed by a discussion of the Pinel board with no more mention of gender. The documentaries frequently mention that Smith self-injured and that her isolation aggravated this behaviour, but her self-injury is always attributed to mental illness or to her emotional distress, rather than to her gendered experiences as a woman prisoner.

While the discussion about Winder characterizes the prison as "transforming her" (Gartner narrating), and by extension other women prisoners, there is no critical discussion of women's self-injury in prison and the penal responses to it. On the contrary, it is Winder's 'inwardly turned anger' that is presented as the reason she is "like so many women offenders" (Gartner narrating). This presents women's self-injurious behaviour as purely emotional instead of as a response to the prison environment; in this instance, women's self-injury in prison is attributed to an irrational misdirection of negative emotions. This reflects the arguments made in recent CSC publications on women's self-injury, which claim that they self-injure "to cope with negative emotions" (Power & Usher 2011: summary) and recommend teaching women

alternative coping strategies as a solution to self-injury (Power & Usher 2010). While these “negative emotions” may result from incarceration, CSC research and the documentaries are both devoid of any discussion about women’s self-injury as a meaningful response to isolation and mistreatment. This ignores feminist arguments about how self-injury can be understood as an attempt to cope with the powerlessness that results from an oppressive prison environment (Kilty 2006, 2012; Pollack & Brezina 2006). By failing to consider feminist claims, the documentaries uphold correctional discourse that locates self-injurious behaviour solely as the result of “something wrong on the inside” (McCorkel 2003: 70) and reject the carceral environment as a key factor in self-injury committed by women prisoners.

The focus of the through narrative for both documentaries is CSC’s mistreatment of and lack of care for mentally ill prisoners. This focus allows the through narratives to critique the practices of CSC while simultaneously adhering to discourses of individualization and achieved gender equality. Consequently, the arguments and moral claims advanced in the documentaries are legitimated and made to possess a self-evident quality. A gendered critique of these practices would have threatened the documentaries’ external coherence and could have caused the issue to be characterized as a “special interest” (Brodie 1995; 2002; Sawyer 2006; 2008; Vickers 2006) rather than a concern for every Canadian. As discussed in the theory chapter, feminist analyses and gendered critique have been undermined by the notion that “we are all equal now” (Brodie 2008a: 160). In this context, gendered critique and other socio-structural analyses are rendered “unrepresentative special interests” (Sawyer 2008: 130). For this reason, discussing the Smith case in terms of gender would have centred the through narrative on a seemingly irrelevant and illegitimate issue, thus limiting the documentaries’ potential to appeal to a broader mass audience. Subjugating gendered critique in order to emphasize correctional mistreatment of the

mentally ill allows the documentaries to present a more universal critique of CSC's punitive penal practices. Ultimately, however, the marginalization of discussions about gender problematically upholds the 'veneer of equality' and the notion that 'we are all equal now'.

The unexplored content in the documentaries begs the question of why it is included at all if it is left out of the through narrative. The main purpose for mentioning this unexplored content is to create a fuller picture and to uphold an appearance of impartially presenting the facts of the case. Since it appears that all the facts of the case are considered, the themes emphasized in the through narrative appear to be inherently more significant. Moreover, the internal coherence of the narrative suggests that the full story was told. As Chanan argues, the absence of certain information in documentaries is "normally suppressed in the process of editing, that is, of achieving narrative or discursive or poetic coherence" (2008: 124). If the focus of this research project had not included gendered critique, I might not have noticed (or at least not focused upon) how it is left out of the discussion in the two documentaries. Since one aspect of narrativity is its ability to create the impression of fullness and closure (White 1987), the narratives in the documentaries do not appear to be missing anything. Paradoxically, the creation of a coherent through narrative necessitates the subjugation of certain knowledges while simultaneously creating the impression that nothing has been left out. In this way, the subjugation of feminist knowledge and critique is rendered invisible.

Conclusion

In many ways the findings discussed in this chapter show *how* the documentaries make sense of the Smith case in a way that maintains external and internal coherence. Creating through narratives via the resolution of conflicting narratives and the building of complementary narratives contributes to internal coherence by organizing and structuring the various scenes and

segments shown in the documentaries. The particular way that the through narratives are constructed is also integral to external coherence in that it allows for arguments to be made about the Smith case that have the potential to appeal to a mass audience. By emphasizing the mistreatment of mentally ill prisoners, the through narratives of *Out of Control* and *Behind the Wall* uphold notions of individualism and achieved gender equality, thereby adhering to discourses that have been made to function as ‘true’ in the current régime or politics of truth.

As the documentaries create a narrative that focuses on certain themes, they simultaneously marginalize or subjugate other forms of knowledge by failing to explore particular comments or details. In *Out of Control* and *Behind the Wall* this unexplored content often represents the subjugation of gendered critique. Although the documentaries critique and challenge CSC by condemning the illegal practices in the Smith case as inhumane torture and by arguing that the “prison system ignores its own rules and breaks the law” (Gartner narrating, *Behind the Wall*), gendered critiques are limited at best. Feminist arguments are left out of the documentaries and gender is mentioned but relegated to the margins. While the *Fifth Estate* documentaries usefully demonstrate how the medium of documentary narrative can be used to construct arguments about an event that infuse it with moral meaning, they also reveal that the potential for documentaries to present feminist criminological critiques to a larger audience is limited. In order to maintain universal appeal and to avoid being considered a special interest investigation the through narratives must base their arguments upon externally coherent and legitimate discourses. Despite the fact that the two documentaries examine and condemn one woman’s conditions of confinement, the process of creating a coherent narrative still limits the possibility for the inclusion of feminist critiques.

Conclusion

This thesis examined the ways in which two investigative documentaries released by the CBC's *Fifth Estate* narrativize, interpret, and ascribe meaning to the case of Ashley Smith. The documentaries, *Out of Control* (2010) and *Behind the Wall* (2010), were analyzed using approaches adapted from narrative analysis, as this allowed for a focus not just on thematic content, but more importantly on *how* the content in the documentaries was brought together to create a narrative about the case. Analysis of the documentaries was conducted in order to answer the following research questions:

- How do the CBC Fifth Estate investigative documentaries, *Behind the Wall* and *Out of Control*, make sense of the death of Ashley Smith? (key research question)
- How are the various scenes brought together to advance the narrative and to propose arguments or claims about the event?
- Is coherence maintained throughout the documentaries, and, if so, how?
- How does the documentary either subjugate or consider gendered critique and feminist criminological knowledge?

Throughout the analysis process, sensitizing concepts drawn directly from the theoretical framework were used in order to ensure reflexivity and connection between the theoretical and analytical developments of this project. These concepts (i.e. internal coherence, external coherence, and subjugated knowledge) were developed theoretically and then used to illuminate the emerging analytic findings.

The first and key research question guiding this project was answered in part by the identification of the main themes that are drawn upon and supported in the through narratives of each documentary. As discussed in the analysis chapter, both documentaries present the Smith case as a story about a girl who needed psychological help, but was instead treated punitively and abusively. The case is argued to be one of many instances where mentally ill prisoners are

not provided the mental health care they need, but are instead punished through punitive practices such as isolation, physical and chemical restraints, and the inappropriate use of transfers. By emphasizing how “[Smith’s] story is not unique” (Gartner narrating, *Out of Control*), the documentarians describe the case as an example of the danger that Canadian prisons pose to prisoners who, like Smith, suffer from mental illness or distress. Moreover, the hidden nature of the prison system is identified as preventing such practices from being investigated. By emphasizing and supporting these themes, the through narratives sort the details of the case and leave viewers with only the information they need in order to understand the arguments being advanced; in essence, the through narratives make sense of the Smith case for the audience. That being said, an explanation of *how* these themes and arguments are advanced is also necessary in order to understand the way that the documentaries make sense of the Smith case, which brings me to the second question. In fact, the remaining three research questions in many ways provide further insight to the key research question.

With respect to the second research question, the creation of a through narrative by way of resolving conflicting narratives and building complementary narratives is what brings the various scenes of the documentaries together and allows for arguments about the case to be proposed. In *Out of Control*, the primary means by which the through narrative is advanced is the resolution of conflicting narratives, wherein conflicting evaluations are presented and then one is shown to have greater credibility. The supported evaluation then frames the discussion of the next complicating action, thus connecting the various incidents that are discussed. In this way, *Out of Control* presents multiple evaluations of the case while simultaneously resolving conflicts that arise and providing support for the argument that the narrative is about a young girl who was denied the help that she needed.

The through narrative in *Behind the Wall* is advanced by the presentation of complementary evaluations and of two narratives (i.e. main and surrounding) that corroborate one another. Evaluations that are mutually supportive build upon one another to provide key arguments about particular incidents that are then used to frame subsequent discussions. Moreover, details about the *Fifth Estate*'s experiences while attempting to uncover what happens in Canadian prisons (i.e. the surrounding narrative) are revealed in order to further legitimate the main narrative about the prison hiding how abusive practices are used against mentally ill prisoners. By creating and supporting a through narrative, both documentaries bring together various incidents and scenes, tell viewers which details are of most importance to the case, and advance certain arguments. Furthermore, the through narrative upholds internal coherence in both documentaries because it creates connections across various scenes and presents details and interpretations of the case in an ordered manner. Addressing the second research question therefore also partially answers the third research question.

To fully address the third research question, however, also requires a re-examination of how external coherence is maintained in the documentaries through attempts to appeal to every Canadian. As discussed in the analysis chapter, the emphasis on mental illness upholds individualizing and gender neutral discourses that locate problems as primarily coming from within individuals who must be treated or 'fixed'. Smith's mistreatment while incarcerated is presented as particularly egregious because the "prison made [her] worse" (Gartner narrating, *Out of Control*) instead of treating or 'fixing' her. The arguments that the documentaries make to condemn CSC's mistreatment of Smith therefore rest upon the assumption that there was something inherently wrong with her from the beginning. Moreover, the discussion is expanded beyond the Smith case by reference to how she was one of many mentally ill prisoners that

continue to be punished behind prison walls rather than being given mental health care. By basing the discussion on the problem of untreated mental illness and mistreated mentally ill prisoners, the documentarians are able to present a critique of CSC that possesses a self-evident quality and suggests that every Canadian should be appalled and concerned. In this way, external coherence is maintained throughout the documentaries and allows for claims to be made that have the potential to appeal to a broad, national audience. However, this also leads to the subjugation of more controversial knowledges, which brings me to the fourth research question.

Although there is an abundance of feminist criminological knowledge that could have been used to inform the *Fifth Estate*'s discussion of the Smith case, there is no discussion in either documentary of gender as a significant factor in Smith's mistreatment. Any mention of gender is left unexplored, which problematically upholds the "veneer of equality" (Kingfisher 2002: 29) that feminists have identified as characteristic of contemporary gender politics. As discussed in the analysis chapter, the subjugation of gendered critique in the documentaries occurs through the relegation of Smith's gender to a mere detail for providing a full picture of the case. Instead, the focus is on Smith's mental illness, which upholds psy discourses that understand criminalized women as inherently damaged. The subjugation of gendered and feminist critique in these documentaries is closely connected to the maintenance of external coherence. In a political and cultural context where feminism is seen as an 'unrepresentative special interest' (Sawer 2008), any discussion of gender as a significant issue in terms of the Smith case could undermine the documentarians' attempts to appeal to every Canadian and render the discussion controversial or as only of interest to a select few.

This project provides insight into how the medium of investigative documentary narrative operates to make sense of and advance arguments about an event in a way that attempts to appeal

to a wide audience. In this way, it responds to calls from within newsmaking criminology for academics to better understand the formats and styles of particular media (Barak 1988; 1994; 2007; Feilzer 2009; Greek 1994; Rowe 2013; Vaughan 2005). This project reveals two ways in which a through narrative can be advanced in a documentary (i.e. the resolution of conflicting narratives and the building of complementary narratives), which expands Feilzer's (2009) discussion of the importance of "telling a good story" when attempting to disseminate criminological knowledge. In fact, it is the gradual advancement of a narrative that facilitates and supports the arguments and claims that are made about the case.

The problem with narrativity, however, is that it necessitates the presentation of events in ways that are internally coherent, which is not how they appear in real life (White 1987). This means that when narratives are used to communicate information there are many details that get left out and others that become emphasized; the act of telling a narrative is simultaneously an act of deciding what is and is not important and attributing particular meaning to certain aspects of the story. Paradoxically, the constructed nature of narrativity is masked in the documentaries by the process of walking the viewer through the story of what happened to Ashley Smith. Moreover, the arguments are presented as inextricably bound up in the facts of the case and therefore appear to be self-evidently valid. In this way, the through narratives in the *Fifth Estate* documentaries represent the result of many decisions yet they simultaneously take on the appearance of being self-evident.

This project not only provides a better understanding of how documentary narrative operates, but it also points out the difficulty of voicing and publicizing feminist critiques in a culture that assumes we have reached a state of gender equality. Even in the context of two documentaries that strongly condemn the mistreatment of a woman prisoner, feminist

criminological critique is distinctly absent. This subjugation of feminist knowledge reflects Martel's (2004) discussion of how disquieting research, such as her own research on women prisoners' experiences of segregation, is often marginalized in the media. Moreover, it demonstrates how the discourse of gender neutrality, which feminists have identified as permeating Canadian politics and policy (Brodie 2008a; Chunn 2007; Guerrina 2006), extends to critical discussions of how Smith was treated in prison. *Out of Control* and *Behind the Wall* demonstrate yet another instance of feminist knowledge being left out of the dialogue.

The type of critique facilitated in the *Fifth Estate* documentaries drastically differs from Foucault's description of critique, as outlined in the theory chapter, which involves "pointing out on what kinds of assumptions, what kinds of familiar, unchallenged, unconsidered modes of thought the practices we accept rest" (1981: 154). Rather than challenging some of the underlying modes of thought in women's corrections that are exemplified by the Smith case (e.g. the need to 'fix' the individual woman prisoner and return her to state of hegemonic femininity; the identification of mental distress as an individual pathology; the notion that self-injury stems from misdirected negative emotions), the documentaries uphold them. Specific practices are condemned, particularly the punishment of mentally ill prisoners, but underlying modes of thought are left intact and are actually relied upon in an attempt to make the arguments appeal to a large, national audience. Including arguments from within feminist criminology could have facilitated critique of the gendered assumptions underlying the mistreatment of prisoners like Ashley Smith.

Identifying how the documentaries adhere to individualizing and gender neutral discourses also brings into question what type of change could result from their demands for significant improvements to the treatment of mentally ill prisoners. As mentioned in the

introduction, *Fifth Estate* staff members working on the Smith case claim to have had a “big impact on the world” (Caloz, *Secrets of the Fifth Estate*) and connect the release of *Out of Control* and *Behind the Wall* with the recommendations for change made by the coroner’s jury. While it is impossible to know whether there is a connection between the release of the documentaries and the homicide verdict of the coroner’s inquiry, this demonstrates how the *Fifth Estate* staff members view their efforts as change-making. According to Foucault, however, “a transformation that remains within the same mode of thought [...] can merely be a superficial transformation” (1981: 155). This suggests that since the *Fifth Estate* documentaries on the Smith case rely upon some of the same modes of thought that underlie the very practices being challenged, they can only result in demands for superficial transformation.

Although it seems that the efforts of both feminist criminologists and the *Fifth Estate* to “expose injustice” and to impact change are aligned, this project reveals how the documentaries’ external coherence with individualizing and gender neutral discourses leave unchallenged the assumptions that underlie the criminalization and incarceration of women. Ultimately, this means that feminist criminological critiques, which challenge the gendered modes of thought at the root of women’s corrections, are rendered incompatible with the arguments that are advanced in the *Fifth Estate* documentaries.

This project provides insight as to the potential usefulness of investigative documentary as a platform for publicizing the arguments and claims of feminist criminology. On the one hand, the creation of a through narrative allows documentarians to gradually advance certain arguments while simultaneously providing support for these claims by narrating certain details of an event. In this way, there seems to be potential for documentary making to help feminist

criminologists present their arguments in a more accessible and compelling way by transforming feminist critique into story-telling.

On the other hand, this project also reveals that there are limitations to investigative documentary in terms of publicizing feminist knowledge. In particular, maintaining external coherence and making appeals to a broad audience requires adhering to, or at least failing to challenge, contemporary notions of achieved gender equality; this requires presenting the issues under investigation as gender neutral. Basing the discussion of a documentary on feminist claims could limit documentarians' ability to make appeals to a wide audience; the resulting documentary could be deemed a film only for 'special interest groups'. The findings of this project, particularly in terms of external coherence and subjugated knowledge, suggest that feminist criminologists attempting to utilize the documentary medium may have to choose between appealing to a large audience with diluted arguments and making strong feminist claims that are heard only by a select few.

Recommendations for Future Research:

By providing a detailed analysis of two documentaries and contextualizing them within feminist criminological critique, this project illuminates several other potential avenues for future research. First, future research could benefit from an exploration of how narratives are advanced in documentaries other than *Out of Control* or *Behind the Wall*, particularly those that address issues of criminological relevance. Moreover, this research could consider documentaries released at different historical points to provide insight as to how this might influence external coherence or the subjugation of knowledge. Examples of documentaries that could be analyzed include, but are certainly not limited to, *Dangerous Offender: The Marlene Moore Story* (1996), *Locked Up in America: Solitary Nation* (2014) and *Locked Up in America: Prison State*

produced by PBS Frontline, and *Steven Truscott: His Word against History* (2000). These and others could be analyzed with the purpose of understanding whether discussion of a case other than Smith's influences the way the narrative is constructed, or whether there are changes in the documentary narrative over time.

Second, this project focused primarily on contextualizing documentary narratives within feminist criminology, but future research could examine documentaries within the context of other critical discourses, such as critical race theory. This would allow for consideration of whether the subjugation of knowledge occurs with regard to other types of controversial discourse. For example, the two documentaries in the *Locked Up in America* (2014) series by PBS Frontline, which consider incarceration practices in America and provide a look at the conditions in American prisons, could be analyzed for whether the narrative subjugates the claims made in critical race scholarship. Such research would provide further insight on how the documentary narrative operates in different contexts so as to illuminate whether and, if so, how other critical forms of knowledge are subjugated.

Finally, it would be interesting to examine other formats for communicating information in which the structure of a narrative features prominently, such as autobiography, print media, and online blogging. Such analyses could provide insight as to the potential usefulness of other formats and styles of communication when it comes to disseminating and publicizing feminist criminological knowledge. Taking autobiography as an example, future research could contextualize women's personal accounts of their incarceration, such as *Sing Soft, Sing Loud* (McConnel 1995), *Stolen Life* (Wiebe & Johnson 1998), and *Inside this Place, Not of It* (Waldman & Levi 2011), within broader feminist and feminist criminological scholarship. Exploring other formats of mass-mediated information and juxtaposing the narratives that they

create against the critiques of feminist criminology would contribute to a better understanding of how narrative coherence operates and could reveal potential opportunities for certain media formats to open up a space for making alternative and potentially more controversial claims.

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Appendix A

Sample from the transcript of *Out of Control*:

Time	Main Dialogue	Dialogue from Video Footage/Evidence	Added Background Sound	Visual Content
0:00 – 1:06	[Fifth Estate intro music] HG (narrating): Tonight. She was barely a teenager, troubled and in trouble with the law. Coralee Smith: She was just...I would say on the verge of bein' outta control. HG (narrating): Locked up in a segregation cell her life just got worse. Jason Godin: Ashley Smith was a time bomb waiting to go off. HG (narrating): And explode she did time and time again. HG (narrating): But it wasn't just Ashley that was out of control. Sapers: Those laws around segregation, around mental health care, around transfer, were not respected. HG (interviewing): So...in Ashley Smith's case those laws were broken. Sapers: Yes. Coralee Smith: Canada should know this is what's happened to our young people.	[cell door opening] Unidentified CO: You've had your three warnings there we're opening three times stay below the (???) Ashley: You never told me about three warnings [banging noises] Ashley: NO	[Fifth Estate background music; fast paced string orchestral music; played throughout scene] [music ends with a long humming note]	[photos of Ashley flash across the screen] [Coralee speaking to Hana in kitchen setting] [black and white footage of Ashley in her cell] [Jason speaking to Hana] [footage of guards in riot gear speaking to Ashley from outside her cell] [footage of 3 guards forcing Ashley to face the wall] [Sapers speaking to Hana in a plain room with low lighting] [Coralee speaking to Hana in kitchen setting] [footage of guards wearing helmets strapping Ashley into a restraint device]

1:07 – 2:24	HG (narrating): Prison is about submission and compliance. This is no place for teenage defiance. HG (narrating): The Fifth Estate has obtained this video shot by prison staff. We received it with guards’ faces obscured and voices altered. HG (narrating): They’ve blasted her cell with pepper spray. HG (narrating): It’s just another day in the life of inmate Ashley Smith.	CO: [undiscernible speaking] CO: Get down Ashley! Ashley: [undiscernible shouting] CO: that’s exactly what’s gonna happen get down or I’m gonna pepper spray ya. Get down. This is your first warning. Get down or you’re gonna be pepper sprayed. Ashley: Holy fuck! CO: Get over in the corner now! This is your third warning! When the door opens, you’re not back I’m spraying! Ashley: Why would I wanna get in the fuckin’ corner?! CO: Water, water. [4 seconds of muffled sounds] [4 seconds of muffled sounds] [coughing] Ashley: AH FUCK! [coughing] Okay I need water [coughing] CO: [undiscernible speaking] Ashley: well my fuckin’ eye hurts stop shh-ing CO: [undiscernible speaking] Ashley: Well clean it out! CO: we’ll clean it out when you comply! [3 seconds of muffled noises and coughing]	[shaky confusing footage of guards with their faces blacked out speaking to Ashley from outside her cell] [footage of Ashley interacting with guards who have entered her cell; she has her hand against her eye] [shot of barbed wire with the words ‘out of control’ written across in red font]
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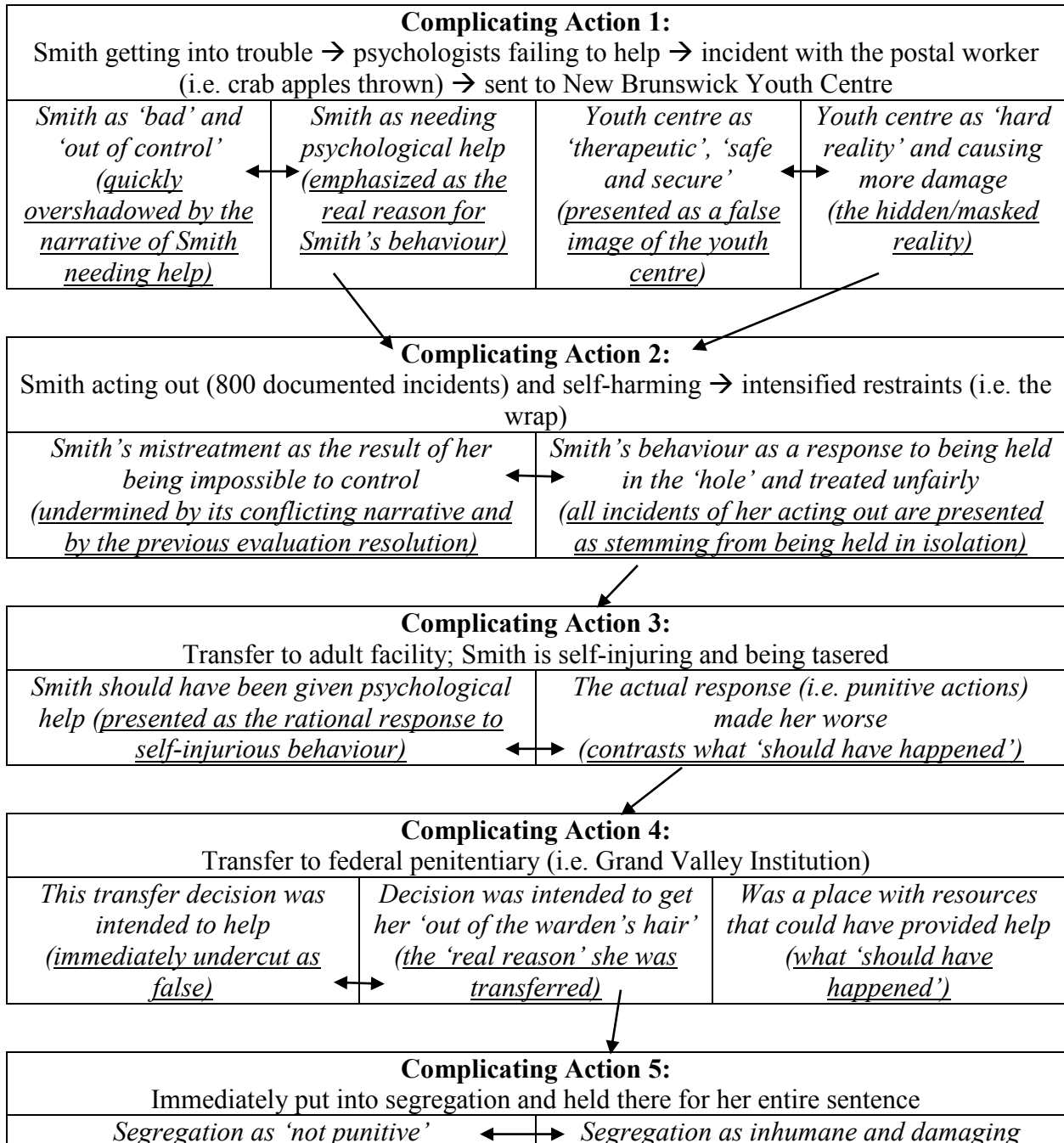
2:25 – 2:54		Ashley: AH FUCK! [coughing] CO: You ready to comply? Ashley: alright CO: You make a move and we pepper spray again you understand that? Ashley: yep CO: Open the door [sounds of the door being opened] CO: Get over in the corner get your clothes on. Ashley: what corner? CO: Do you understand me? Ashley: YES! [4 second of no speaking; just background music]	[dramatic piano music used as background music; played throughout scene]	[shots of barbed wire, fencing, and security cameras in the rain]
2:55 – 3:37	HG (narrating): Tonight we go behind the walls right into the cell to see what the jailers do not want you to know. I'm Hanna Gartner. This is the Fifth Estate. We have obtained prison videotape that we are making public for the first time and I caution you, the images are disturbing and the language is raw, but it exposes just how kids with mental health and behavioural problems are treated behind bars in this country. This is the desperate journey of inmate Ashley Smith, a troubled young girl who cried out for help and never got it. She may be unusual, but her story is not unique.			[Hana speaking directly to camera from inside an empty prison cell]

3:38 – 4:51	HG (narrating): And it begins not as you might predict, but in a nice neat home with parents who really care. Coralee Smith: She had one home visit, which was for a day, and then, uh, she was released twice, but it only lasted around 24 hours. This is her room, this is not, this is an Ashley grown-up room. This is what she would have had coming home. We've got tr-400 dolls. Someone said 'oh she wasn't a girly, girly, girl to play with dolls'. So this is her doll collection. HG (narrating): A mother's shrine to the sweet playful girl she adopted when Ashley was only 5 days old. The child she wants to remember. And looking around this room there is not one clue to how everything went so terribly wrong. Coralee Smith: I.. HG (interviewing): Let's sit, sit (??) Coralee Smith: So have a sit yep. We'll sit HG (interviewing): You okay? Coralee Smith: Yes. HG (interviewing): Do you come up here? Coralee Smith: I come in and dust and clean a bit, but nope. It's not my favourite spot [voice cracking]		[two single piano notes played every 3 seconds] [piano notes stop being played]	[shot of the outside of a suburban house (presumably Ashley's mother's home)] [Coralee and Hana walking into Ashley's old room] [Coralee opens the closet to show Ashley's dolls] [Coralee does a bit of dusting around the dolls] [shot of a pillow on a rocking chair that has a poem about a daughter] [Coralee sits on the bed]
4:52 – 5:09	HG (narrating): Ashley's photograph doesn't give any hints either. Not the face of a tough street kid, and she wasn't one as a little girl growing up in Moncton, New Brunswick. But then, Ashley began to change. Her father, Herb, remembers when the trouble started.		[piano music playing in background]	[photos of a smiling Ashley] [photo of her with her father]

Appendix B

Narrative Map (*Out of Control*):

In this document, the complicating action (or result/coda) is indicated at the top of each chart and evaluative points are charted in italics. The underlined comments underneath each evaluation provide additional commentary on the function or presentation of that particular evaluation. The bi-directional arrows are used to indicate the evaluations that conflict with one another and the single direction arrows indicate which evaluation is presented as having greater validity (see section on *Resolving Conflicting Narratives* in the analysis chapter).



<i>(CSC's false representation of segregation)</i>	<i>(the 'harsh reality' that CSC attempts to hide)</i>
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Complicating Action 6: Smith acting out → too many use of force reports → orders given to mask the incidents and to wait and see before intervening	
<i>CSC should have investigated what was going on with the excessive use of force reports (what should have happened)</i>	<i>CSC placing its image over preserving Smith's life (what actually happened)</i>

Complicating Action 7: Smith getting worse (e.g. like an 'aged woman'); transferred from one segregation cell to another		
<i>CSC failed to provide the promised care (failing to do what should have happened)</i>	<i>Situation as Smith's fault (immediately undercut as what CSC "would want us to believe")</i>	<i>Segregation, transfers and failure to provide care as illegal (the real reason Smith was getting worse)</i>

Complicating Action 8: COs obey orders not to intervene in Smith's final moments		
<i>No one expected Smith to die (contextualizes the result)</i>	<i>COs as having 'no choice' (undercut as false)</i>	<i>COs as 'inhumane' for choosing their jobs over Smith's life (replaces the false evaluation that they had 'no choice')</i>

Result 1: Smith dying in the cell		
<i>Caused by instructions not to intervene (shifts focus back to management)</i>	<i>Her death as causing a painful void for her parents (operates as a coda – a way to comment on things in the present)</i>	<i>'They took her life' (any remaining arguments that this was Smith's fault are undercut; emphasis on her life having been taken)</i>

Result 2: People disciplined		
<i>Only those low on the ladder disciplined (emphasizes the injustice of people in management not being punished)</i>	<i>Broader institutional problems mentioned (only mentioned briefly; focus then shifts back to whoever gave the orders)</i>	<i>Person who gave orders not identified or held accountable (this is the emphasis in these evaluative segments)</i>

Coda: CSC continuing to fail in addressing needs and preserving life; continuing to hide its practices (ie. refusal to do an interview; fighting release of footage)		
<i>Should have made 'significant improvements' (what should have happened)</i>	<i>Threat to Canadian youth and those with mental illness (what is actually happening; the reason Smith's story needs to be told)</i>	<i>Threat hidden from the public (CSC as continuing to stand in the way of the truth being made public)</i>

Appendix C

Narrative Map (*Behind the Wall*):

In this document, the complicating action (or result/coda) is indicated at the top of each chart and evaluative points are shown in italics. The underlined comments underneath the evaluations provide additional commentary on the different points made and on how they complement or corroborate one another. The letters ‘MN’ indicate that the complicating action is part of the main narrative and the letters ‘SN’ indicate that it is part of the surrounding narrative (see section on *Building Complementary Narratives* in the analysis chapter).

Complicating Action 1a (MN) Smith sent to psychiatric centre		Complicating Action 1b (SN) Hana goes to psychiatric centre for answers
<i>Smith could have gotten help (what ‘should have happened’)</i>	<i>Guards focus on containment, rules, and security, not therapy (presented as the reason she didn’t receive help)</i>	<i>Staff afraid to come forward but do so out of a moral obligation (lends legitimacy to their accounts and introduces the code of silence discussed in the next segment)</i>

Complicating Action 2 (MN) Smith breaking the rules (more than 150 recorded security incidents) → guards becoming aggravated and responding abusively (e.g. kicking the door and saying ‘are you dead yet’)		
<i>This incident as one of the many cases of abuse and punishment of the mentally ill</i>	<i>Incident dismissed as a lie by guard union representatives</i>	<i>Abuse hidden by an unwritten code of silence and by staff’s fear of breaking this code</i>
<i>These evaluative segments complement one another in that the reason why abuses have been hidden is provided (i.e. the code of silence). The guard union representatives’ denial of the incident is presented as an example of this code of silence at work. Discussion of the code of silence is also corroborated by previous mention of staff being afraid to be interviewed for the documentary (complicating action 1b from surrounding narrative).</i>		

Complicating Action 3 (MN) Smith held in isolation → uses ligatures to choke herself → staff ordered not to intervene		
<i>No help or course of treatment provided for Smith</i>	<i>Non-responsivity as an attempt to protect guards from set-ups</i>	<i>Security overriding the provision of help</i>
<i>These evaluative points reveal that the focus on security and containment was directly connected with the failure to provide Smith with help or preserve her life.</i>		

Complicating Action 4 (MN) Incident with Torella (Smith choking herself; Torella assaulting her) → false report initially filed → nurse comes forward with the truth → Torella charged and internal inquiry launched		
<i>Smith as vulnerable and helpless (emphasized through the dramatizations)</i>	<i>Code of silence as powerful (i.e. nurse afraid; CSC)</i>	<i>Nurse unable to stay silent (i.e. presented as a moral obligation to speak out)</i>

	<i>unable to make Torella do an interview for internal inquiry)</i>	
<u><i>These evaluative segments emphasize that reporting the abuse of vulnerable persons like Smith requires facing enormous fears in prison. This also suggests that there are many more incidents that remain unreported due to the power of the code of silence.</i></u>		

Complicating Action 5a (MN)			Complicating Action 5b (SN)
Internal inquiry shows assault happened and Torella dismissed from CSC → guards rally “around John and against Cindy” (threats and violence) → Torella acquitted in provincial court			Cindy afraid ‘for her life’ to go on camera or say more
<i>Violence against ‘traitors’ an issue across the country</i>	<i>Torella did what he had to do (argument by his lawyer)</i>	<i>People afraid to be interviewed</i>	<i>Speaking out as being dangerous</i>
<u><i>Torella’s acquittal is presented as connected to the code of silence (ie. people afraid to be interviewed about it) and the loyalty amongst the guards, which allowed his lawyer to argue that he ‘did what he had to do’. The threats and violence Cindy experienced is revealed as being an issue across the country, which broadens the discussion beyond the one incident, and suggests that there are many things that continue to be hidden.</i></u>			

Complicating Action 6 (MN)	
Smith kept in segregation for 4 years by CSC transferring her 17 times	
<i>Isolation and lack of attention/treatment as causing Smith to cut herself</i>	<i>Use of segregation and transfers as illegal and inhumane</i>
<u><i>These evaluative points build on one another; Smith’s incarceration as illegal and inhuman, and as causing damage to her (through self-injury)</i></u>	

Complicating Action 7a (MN)			Complicating Action 7b (SN)
Story of “another inmate in crisis”: Winder sent to prison → begins cutting herself → Winder held in Pinel restraints			Received anonymous tip about Winder
<i>“Pretty close to an Ashley Smith”</i>	<i>Prison transformed her and caused her to self-harm</i>	<i>Pinel board as what “really scared” Winder’s ‘parents’</i>	<i>This causes the investigation to turn towards looking at what is currently going on not just at what did happen to Smith</i>
<u><i>These evaluations emphasize that scary and painful restraints are used instead of treatment and reveal that Smith was not the only one suffering and being damaged by prison.</i></u>			

Complicating Action 8 (MN)	
Don’s inspection revealing Pinel restraints used as long as 3 months and no mental health care	
<i>CSC as putting no focus (only 2% of its budget) on mental health care</i>	<i>Restraints as the “only tool” that guards have</i>
<u><i>These evaluations suggest that the use of punitive restraints results from CSC putting no emphasis on mental health care; the lack of mental health care and use of punitive restraints are presented as problems that are built into the institution itself.</i></u>	

Complicating Action 9 (SN) CSC blocking the <i>FE</i> from access (i.e. not allowed inside psychiatric centre; preventing the de Wolfes from speaking the truth)		
<i>“Every Canadian [...] has a vested interest in knowing what goes on inside a place like this” (Don Davies)</i>	CSC creating an illusion of transparency (e.g. gives them “money shots” and offers a CSC spokesperson to talk to)	CSC attempting to create a false representation to hide the truth
<u>Together these evaluations present the public and official face of CSC as false and juxtapose this falseness against “every Canadian” needing to know the truth, which provides a moral evaluation of the lack of transparency.</u>		

Complicating Action 10 (SN) Coralee fighting to make footage public
<i>Needs to be made public for those “suffering the same fate” (This is the key evaluative point here and it precedes all the footage of Smith’s final moments)</i>

Complicating Action 11 (MN) Smith choking herself → punitive response (ie. COs pepper spray her)		
Mentally ill patients punished and not given any health care	CSC not following the law	Punitive responses as torture
<u>(These evaluative comments complement one another and are accompanied by footage of Smith being pepper sprayed and restrained. The evaluations take the issue beyond the single case and question CSC as an institution more generally)</u>		

Result (MN) Smith continues to choke herself → COs ordered not to intervene → Smith dying in her cell		
Official press release indicates she died of a suicide (Immediately undercut by Coralee claiming that “they let her die”; CSC’s public face continues to be presented as <u>false</u>)	<i>“They let her die” (Coralee)</i> (This is the main conclusion drawn about the case and is connected with the coda in that <u>the issue extends beyond Smith</u>)	<i>“Could be anybody’s child”(Coralee) – Coda</i> (Broadens the issue to argue that prisons pose a <u>threat to Canadian citizens, particularly youth and the mentally ill</u>)