ABORIGINAL WOMEN AND CATEGORIZATION:

THEMES IN FEMINIST THEORY

by

Kathryn Elizabeth Irvine

A thesis

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ABSTRACT

The topic of this essay concerns the categorization of Aboriginal women understood in the context of feminist social theory. The initial phase of analysis is an identification and elucidation of a theoretical issue in current feminist debate. Specific analysis is offered of the gender/difference debate in terms of its conceptual tensions and plausible resolutions. The outcome identifies the need for a methodology which justifies both general concepts (e.g., "women," "gender") as well as those particular conceptualizations applicable to differences. The next phase of the analysis connects these theoretical concerns to an important social problem by an elucidation of the way in which the issues implicit in the gender/difference debate are applicable to feminist criminology, notably those concerns surrounding the category "incarcerated Aboriginal women." The third phase of explanatory support for this thesis appeals to a contemporary writer's interpretation of Max Weber's view of "ideal types" as a way to elucidate the meaning and justification of categories used by feminist social theorists. This view is found applicable to the feminist categories implicit in the gender/difference debate and specifically in the manner in which it illuminates the category of "incarcerated Aboriginal woman." In the final phase, a summation is provided of the use of Weber's ideal type in enhancing feminine discourse and revealing the misrepresentation involved in the category, "incarcerated Aboriginal woman." The category has functioned in a misleading way to characterize Aboriginal women as different, marked and inferior; a misrepresentation which is ineffective in promoting meaningful social practice and policy initiatives.

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INTRODUCTION

Since the early 1990's, feminist scholars have struggled with the difficult question of how to develop critical theories that are inclusive of the differences among women. For many, the challenge in mapping out new theoretical parameters evolved from the realization that traditional mainstream feminist gender analysis based on the single category of "woman" failed to reflect diverse layers of women's social, political and economic inequalities shaped by the forces of colonialism, racism and capitalism (Lugones and Spelman, 1983). As a medley of critiques flowed from the analyses written by women of color, Black feminists, Asian and Indigenous women, it became clear that mainstream feminist research had imposed an artificial, if not false, unity on the category "woman." The legitimacy of generalizations on the basis of gender had become seriously undermined (Martin, 1994; Bordo, 1990).

As a new "gender scepticism" (Bordo, 1990) emerged, the work of both Lyotard and Foucault provided the basis for a version of feminist poststructural/postmodernism that offered apparent solutions to the exclusionary totalizing tendencies and ethnocentrisms of the gender analysis. But for some, the postmodern doctrine supporting multiple truths and multiple realities offered little more than "a narrative ideal of ceaseless textual play" or, a kind of "unrestrained heterogeneity" (Bordo, 1988, 1990). That is, while theorizing difference as multiple standpoints, oppressions and subjectivities offers insights into the heterogeneous and heteronomous representations of women, difference is reduced to a cacophony of discursive claims for recognition.

These two positions present a dilemma for feminist theorists. If the single category of gender is abandoned, then the category, "women" can no longer function to identify a social collective identity. Without the capacity to identify and generalize from attributes of a collective identity there is the ever-present danger of constructing social theory with misleading, if not meaningless, categories. Correlatively, theorizing from multiple standpoints of difference runs the risk of slipping into the realm of relativism in which knowledge claims are almost impossible to analyze or justify. How can feminists theorize from multiple standpoints without losing the analytic force of their arguments? (Bordo, 1990:139).

Project and Method

Given the foregoing account of the feminist debate, this essay will address two related tasks. First, I want to explore a way in which feminist theorists can justify both the general categories they employ as well as the ones attending to group specificity. If truth claims are to be advanced, feminist theorists need a method of justification.[1] Second, given such a method, I want to explore the possibilities for the feminist category of "incarcerated Aboriginal women." My view is that the construction of this category may not meet all the requirements of justification. If this is so, then I want to identify some of the critical issues which offer the beginnings of a dialogue across differences, fostering the authentic communication which enables theorizing across diversity.

In beginning to understand the concepts that feminists have employed and how those concepts might be justified, I turn to the work of Susan Hekman (1999), who places the work of Max Weber across feminist discourse to establish a method of justification

for feminist categories. Hekman (1999:87) maintains that a Weberian type of justification for feminist concepts is based on three central features: the political and value laden nature of all concepts; the partiality of concepts and, the most overriding criterion: does the concept illuminate social reality? While working in a tradition that is both "masculinist and patriarchal" (Bologh, 1990:1), Weber may not be considered as the most likely choice of candidates providing resources for feminist social discourse. But some evidence indicates otherwise and Hekman's unique Weberian-type analysis usefully suggests how the ideal type functions in relation to feminist categories emerging from the essentialist/inessentialist debate. I will examine how this form of analysis fares in relation to the category of "incarcerated Aboriginal women."

The structure of this essay depicts the method of analysis. The first section provides an outline of the gender/difference debate within feminist theory. Here, one part of my account will focus on the views and arguments articulated by feminist social theorists while the second part will focus on the resolutions proposed about gender in relation to the problem of difference. The analysis indicates the conflictive relation between monistic and pluralistic type methodologies which suggests a need for synthesis. While these considerations tend to the abstract and theoretical, the Second Chapter takes a more pragmatic approach to explaining the gender/difference debate by developing an account of how these arguments have played out within the context of feminist criminology. Here, the resolution of tensions via gender working in conjunction with multiple axis of identity are tied to practical feminist concerns in criminology, particularly as these affect the category "incarcerated Aboriginal women." While the virtues of the category are not in dispute, there are problematic considerations about an essential group identity which suggests an apparent denial of differentiation within and

across groups. The recurrence of issues related to difference and gender once again reiterate the need for a conceptualization that is truly comprehensive.

Having examined the conceptual difficulties in the gender/difference debate and noting their replication in a pragmatic social problem in feminist criminology, the analysis now undertakes to establish a conceptualization that is integrative and justificatory. The Third Chapter offers one way to begin to understand and integrate the conflictive concepts used by feminist theorists. Here, the position taken follows that of Hekman who turns to Weber's formulation of the ideal type in order to provide a method of justification. Hekman does not intend to provide a felicitous interpretation of Weber's view but does offer a Weberian-type of analysis which is designed to conceptually synthesize the feminist categories emerging from the gender/difference debate. Following Hekman, I will examine how this type of justification fares in relation to the category of "incarcerated Aboriginal women" and this is the subject of Chapter Four. While it may be the case that the category functions acceptably in the formation of feminist social theory as depicted in the analysis of Chapter Three, it becomes apparent that there are ways in which the theoretical construct does not fully meet the criteria of justification offered by Hekman. There are therefore constraints on the category's ability to promote the intellectual inquiry capable of creating meaningful practice and policy initiatives that truly address the mechanisms of empowerment needed to extend the benefits of social justice to *all* women. Taken as a whole, this essay addresses theoretical and pragmatic concerns needed to develop a critical understanding of and justification for an important category used that is in building social theories which inform the policies and practice of social work.

Significance of this Thesis

It seems overly simplistic to simply assert that wanting more coherent and inclusive theories will serve the goals of empowerment and social change so that anybody who cares about people will care about the ways in which theory is made. It is perhaps more manageable to begin by simply striving to think seriously about theories, particularly social theories. This essay seeks to do this by identifying a body of writers who are part of a developing literature; their views and arguments are both informative and indicative of the new directions in feminist social theory. Insofar as such theory is about the role of women, it may be expected to have significant relations to social theory-making, various social policies and the practice of the social worker. Further, if we are to think aright about the construction of social theory, then it is important to avoid conflictive conceptualizations that are often misleading and perhaps even false. In such cases it is important to indicate those crucial areas of conceptual conflict, explain the nature and scope of that conflict and examine the arguments offered by skilled writers who propose resolutions. In the process of examining categories, developing accounts and formulating arguments that synthesize conflict, there emerges the glad possibility of generating new ideas and informed discussions about how we think and treat other people. Given that this essay examines the construction of theory related to the conceptualization of Aboriginal women involved within the Canadian criminal justice system, we may reasonably expect that thinking seriously about such theory will impact upon our roles as social workers. It is, in fact, quite in order to expect that in critically analyzing the knowledge produced by feminist theorists, we can begin to unpack the shape of our own values, assumptions and attitudes so that we might be able to better discern where we stand in relation to the arguments presented. Moreover, in tying the

analysis of how knowledge is produced to a pragmatic social problem, we can perhaps begin to weave a better understanding of the often-convoluted ways in which the consequences of theory impact our social work practice and policy analysis.

Glossary of Key terms

Aboriginal. The myriad of nomenclatures applied to Canada's indigenous peoples has resulted in a complex and slightly confusing situation. For the sake of consistency, I have chosen to use the term "Aboriginal." My understanding of the term is that of Bradford W. Morse who uses the phrase Aboriginal People "to encompass all people who trace their ancestors in these lands to time immemorial." He founds this usage in section 35 (1) of the Canadian Constitution Act, 1982, which states: "In this act, 'aboriginal peoples of Canada' include the Indian, Inuit and Métis peoples of Canada"(Morse, 1985:1). Although the term Aboriginal most often appears as an adjective, I have chosen its capitalized form to mark the fact that it represents a statement of identity for many Canadian Indigenous peoples. While I am much more comfortable with the word "Indian," I am painfully aware of its contemporary pejorative connotations and the rejection of the term based on its association with mistaken identity label assigned by Columbus, the European explorer.

I am also aware that while the term "Indian" and the phrase "First Nations" captures the spirit of my understanding, the definitions of these terms in Canadian law has been used in ways that poignantly exclude those who are not registered under the jurisdiction of the federal government by way of the Indian Act. As a complex process of "protection, civilization and assimilation" (Tobias, 1983:39), the state's legal categories

of treaty (status /registered) and non-registered (non-status) serve to delineate those with federal rights and benefits from those who do not. The process has functioned to fragment and divide indigenous peoples in ways that would have made Machiavelli proud (Morse, 1985; Havemann; 1989).

Although I have settled on the term Aboriginal, I do so with a certain reluctance. In part, this extends from my wariness of a general term or categorization that tends to promote the illusion of a hegemonic or monolithic entity (Monture-Angus, 1999:21). Certainly, there is no single Aboriginal person, perspective, voice, or group. Such generalities tend to obscure the rich, diverse and distinct historical, political and economic forces impacting on our cultural identities as, for example, Cree, Métis, Blackfoot, Mohawk, Ojibway, Mi'kmaw, Sioux, Inuit, Innu, Cherokee and Tlingit. At the same time, I do not want to dwell on our differences for I am interested in creating a respectful dialogue across our diversity – as Aboriginal women in conversation with the white/Anglo tradition of the academy.

Androcentric. As feminist scholars entered the realm of academy during the 1970's and 1980's, the identification of androcentric discourse referred to the privileging of males, male experience, and the male perspective in the modes of practice and theorizing in traditional fields of research. That is, the dominant discourse communicated the male experience and was based on male assumptions and perspectives. Females - their experiences, assumptions, and perspectives were virtually excluded as subjects of study, as researchers, and as interpreters of results.

The term was first articulated by Charlotte Perkins Gilman, in her work entitled, *The Man-Made World or Our Androcentric Culture* (1911/1971). In *The Second Sex*, Simone de Beauvior's powerful analysis of women's role in society also captures the conceptualization of androcentrism in the statement: "Representations of the world, like the world itself, is the work of men; they describe it from their own point of view, which they confuse with absolute truth" (Code, 1991:ix citing de Beauvior, 1972: 161).

Colonization. A term used to name the structural and psychological relation between the colonizer and the colonized. Sources for this usage include "The Colonization of a Native Women Scholar," by Professor Emma LaRocque (1996:11) who states:

> The history of Canada is a history of the colonization of Aboriginal peoples. Colonization is a pervasive structural and psychological relationships between the colonizer and the colonized and is ultimately reflected in the dominant institutions, policies, histories, and literatures of occupying powers.

Situated within the context Euro-Canadian imperialism, the fundamental importance of understanding the colonial relationship between Aboriginal peoples and the dominant white/Anglo society is clearly noted by Professor McCaskill (1983:289), who states:

> In order to comprehend the meaning of the justice system for native people, it is important to understand the colonial relationship which exists between native people and the larger Canadian society. Colonialism involves a relationship which leaves one side dependent on the other to define the world. At the individual level, colonialism involves a situation where one individual is forced to relate to another on terms unilaterally defined by the other. The justice system becomes a central institution with which to impose the way of life of the dominant society.

Additional sources which present detailed discussions surrounding the disempowering impact of colonial domination, colonizer/colonized relationship and systems of assimilationist control and the include: *The Colonizer and the Colonized* (1965) by Albert Memmi, *The Wretched of the Earth* (1963) by Frantz Fanon and, *A Poison Stronger than Love* (1985) by Anastasia Shkilnyk.

Essentialism. Originally from common philosophical usage where it refers to fixed metaphysical/ontological attributes or structures as "true reality," feminist writers apply the term to elements of gender. Typically, it is taken to refer to a set of assumptions suggesting that there is a distinctly "female nature" manifested by a set of characteristics, tendencies and temperaments deemed to be "typically" female. Tong (1998:87) states that essentialism is "The view that men and women are fundamentally and perhaps irrevocably different either by nature or by nurture." Within the context of the gender/difference debate, the charge of essentialism very often points to the uncritical but rigidly held assumption that women share all the same kind of experiences, histories and forms of oppression.

Ethnocentric. A term that describes the tendency to evaluate different races, cultures or groups from the perspective and standards of another race, culture or group. An ethnocentric worldview typically conveys the value assumption that one's own culture, lifestyle and socio-political structures and forms are superior to those of another race/culture or group (Kramer and Treichler, 1985).

Overrepresentation. The term, "overrepresentation" describes the percentage of Aboriginal peoples in federal, provincial and territorial correctional institutions as

compared to the percentage of Aboriginal peoples in the general Canadian population (La Prairie, 1992:7). For example, portrayed as a monolithic group, Aboriginal peoples represent about 2% of the total Canadian population (Statistics Canada, 2000a) but as Table 1.1 indicates, Aboriginal people comprise 17% of all admissions to federal correctional institutions (Solicitor General Canada, 2000). Put another way, the Solicitor General Canada (2000) reported that there were 2,179 identified Aboriginal peoples incarcerated in federal prisons. This equates to 17% of the total federal prison population of 12, 816. As the single largest ethnic minority processed though the Canadian criminal justice system (Skoog, 1996; Griffiths and Verdun-Jones, 1994; Salzewich and Wotherspoon, 1993; Nielsen, 1990), the additional axis of gender reveals that while Aboriginal men account for 17% of all male federal inmates, Aboriginal women represent 25% of the all female federal inmates. Considering that Aboriginal women 18 years of age and older represent only about 2% of all women in Canada (Statistics Canada, 2000b), the numbers are jarring.

Table 1.1

Over two-thirds of Aboriginal offenders under federal sentence are incarcerated

Status	1998			1999			2000		
	Abor.	Non-	Total	Abor.	Non-	Total	Abor.	Non-	Total
Incarcerated									
Female	57	267	324	71	284	355	84	258	342
Percent	52.8	41.3	43.0	54.6	40.8	43.0	54.5	36.9	40.1
Male	2.040	11.074	13.114	2.151	10.625	12.776	2.095	10.379	12.474
Percent	71.1	60.2	61.7	70.5	58.2	60.0	68.3	57.5	59.1
Total	**2,097**	**11,341**	**13,438**	**2,222**	**10,909**	**13,131**	**2,179**	**10,637**	**12,816**

Source: Solicitor General Canada. (2000). Corrections and Conditional Release Statistical Overview, p.45. Ottawa: Ministry of the Solicitor General.

Paradigm. In The Structure of Scientific Revolutions (1962), Thomas Kuhn

coined the term 'paradigm" in his outline of the scientific process. According to Kuhn, a

paradigm represents the consensus of the scientific community or, "concrete problem

solutions that the profession has come to accept" (Hoyningen-Huene, 1993:134). Put

another way, a paradigm represents "a taken-for-granted reality or world view that

consists of the entire constellation of beliefs, values, and techniques shared by a scientific

community" (Mullaly, 1997:18). While a paradigm may not accurately represent any one

of the specific beliefs, values and techniques of an entire discipline, it is meant to

represent the dominant consensus of beliefs and values that generally compose the

(world) view of the discipline.

Within the context of feminist theory, Hekman (1999:23,25) notes that the

gender/difference debate signifies a revolutionary paradigm shift[2] from the

methodological monism represented by the gender analysis to the methodological

pluralism characterized by the recognition of differences. While this revolutionary shift

from "universals to particulars, from Truths to truths solves many of the problems created

by the universalist position, it also raises the question of how to justify particular

knowledge claims without a single, universal criterion of assessment. Without a universal

and unchanging theoretical framework for adjudicating among competing knowledge

claims, feminist theorists run the risk of replicating the dichotomies of traditional

epistemology by creating a new version of universalism or retreating to an "anything

goes" relativism (Hekman, 1999:26). In seeking to avoid the pitfalls of these two

extremes, Hekman adopts the spirit of a Kuhnian paradigm shift to denote the new

epistemic terrain of differences which requires establishing a new methodology that is capable of justifying the categories that feminist theorists employ in the truth claims they advance (Hekman, 1999:26).

Stereotypes. Historically, the term "stereotype" refers to a particular process in printing whereby metal plates are formed to create a rigid duplication of "a set image." The term was applied to the language of the social sciences by Walter Lippmann, in *Public Opinion* (1922), to describe the "pictures in our heads" which shape our everyday interactions and "dealings in the world outside." Describing the mechanics of stereotyping Lippmann (1992:54, 59) notes:

> For the most part we do not first see, then define, we define first and then see ... We are told about the world before we see it. We imagine most things before we experience them. And those preconceptions, unless education has made us acutely aware, govern deeply the whole process of perception. They mark out certain objects as familiar or strange, emphasizing the difference, so that the slightly familiar is seen as very familiar, and the somewhat strange as sharply alien.

In *The Nature of Prejudice* (1954:191), Gordon Allport maintains: "Whether favorable or unfavorable, a stereotype is an exaggerated belief associated with a category. Its function is to justify (rationalize) our conduct in relation to that category." For example, the Aboriginal" can be held in mind simply as a "neutral, factual, nonevaluative" concept referencing a particular racial/cultural identity (Allport, 1954:191). But if the category is accompanied with fixed, set "pictures" or judgments of Aboriginals in ordinary language expressions such as "dumb Indian", "drunken Indian," "savage," or "helpless victim,"

then stereotypes emerge as the starkest form of devaluation and dehumanization, legitimating the creation and objectification of the Other. As one of the most devastating images, the stereotype of "the squaw" has persisted through time, exerting a profoundly painful and negative influence on the identity and self-esteem of Aboriginal women. The impact of living with this stereotype was poignantly captured in a Canadian Broadcasting Corporation interview (Pointing and Kiely, 1997:173, citing Matthews, 1991:20-21):

> KATHY MALLET: Squaw? I remember being called that word and I just kind of froze. You know, its like somebody shot you; that's how it felt – like a bullet went right through me.
>
> WINOWNA STEVENSON: So what you have happening from the first contact is this stereotypical notion that Native women have fewer sexual morals, for example, than European women. Its an unspoken stereotype, but every Native woman I know who's ever walk on a street alone has suffered from that kind of stereotyping.

The disempowering legacy of stereotyping is also evident in the seemingly positive image of "Indian princess" but as Cherokee ethnologist, Rayna Green notes (Pointing and Kiely, 1997:172, citing Matthews, 1991:19):

> Once you put on the princess costume, once you become their darling, then it's difficult to be the warrior that you need to be ... You can't ever take off the princess outfit.

Popularized by the entertainment industry, the tenacity of the "Indian princess" stereotype functions to portray Aboriginal women as erotic and exotic – the alien Other. Invested with the power needed to reinforce the rigid "insider/outsider" distinction, the impact of the totalizing effects of stereotypes are examined in Chapter Two. Additional sources containing detailed discussions of stereotypes include: *A Recognition of Being:*

Reconstructing Native Womanhood (2000) by Kim Anderson, *Native American Identities: From Stereotype to Archetype in Art and Literature* (1998) by Scott Vickers, *Racism in Canada* and *Reel to Real: Race, Sex and Class at the Movies* (1996) by bell hooks, Iskwewak-Kah' Ki Yaw Ni Wahkomakanak (1995) by Janice Acoose/Misko-Kìsikàwihkw, *The Matter of Images – Essays on Representations* (1993) by Richard Dyer, "Racism Runs Through Canadian Society" by Emma LaRocque (1989).

CHAPTER ONE

Feminism and Difference

It is not our differences which separate women, but our reluctance to recognize those differences and to deal effectively with the distortions which have resulted from ignoring and misnaming those differences.

Audre Lorde, 1996

In the radical days of the 1960's, the demand for "the woman's voice" to be heard became the hallmark of the feminist movement. For feminist scholars, the demand for the woman's voice to be heard reflected the attempt to rectify the rather striking instances of male bias in the modes practice and theorizing that characterized virtually every discipline in the humanities and social sciences (for example, Schwartz, 1973; Reed, 1978; Fox-Keller, 1985; Grimshaw, 1986; Daly and Chesney-Lind; 1988). With great clarity, these critiques pointed to the fact that almost all academic research and theory had been dominated by white, economically privileged men. The result of this domination had been the production of a discourse that was both androcentric and sexist. In support of their analysis of the situation, feminist scholars focused on the fact that not only had research and theory-making excluded women from consideration, women were held in contempt and their knowledge claims were regard as inferior to men's. As feminist critiques gained force throughout the 1980's, discipline-specific feminist analyses had made it abundantly clear that academic research and theory-making was not by women, about women, or for women either: neither faithfully reflective of women's experiences or helpful to their projects of self-discovery and social change.

Feminism & the Gender/Difference Debate

While feminist scholars began to seriously question the legitimacy of theoretical excursions and methodological frameworks grounded almost exclusively in lives and activities of men, there emerged the inklings of a comprehensive feminist theoretical orientation. As the defining feature of a distinctly feminist methodology, the single analytic category of gender became the theoretical cornerstone of the mainstream feminist movement. While providing a guiding orientation for many feminist theorists, the revealing exploration of gender-bias and gender-defined substructures that perpetuated gender bias worked to create an assumption that gender was the most important if not the sole determinant for feminist theorizing. But as the gender analysis gained popularity throughout the 1970's and 1980's, it also became increasingly untenable to accept the production of any theory that espoused an undifferentiated sisterhood or laid claim to the "bonds of womanhood" without attending to issues of differences.

From within the larger women's movement, it became increasingly apparent that the privileged white/Anglo voice of the feminist movement had uncritically presupposed a commonality between all women. As predominately white economically privileged feminist theorists and activists called for the unity of women, the sentimental evocations of sisterhood met with sharp dissent, particularly in discussions surrounding culture/race, class and sexual orientation. By the early 1980's, it had become painfully obvious that the diversity of women's experiences had been excluded from virtually all forms of feminist

theorizing. The multiple layers of women's contradictory social realities shaped by the forces of colonialism, racism, capitalism and compulsory heterosexualism had been denied. In refusing to recognize the differences among women, the privileged white/Anglo voice of the feminist movement had effectively silenced those women who, for example, belonged to a different race, class, sexuality or ethnicity and constructed them Other (hooks, 1984; Lorde, 1984).

As mainstream feminists continued to demand that "woman's voice" be heard, some critics definitively stated that the sustained contemplation of women's experience and the construction of feminist theory had failed to be relevant in the lives of women who were not white or middle class (Lugones and Spelman, 1983:574). While feminist theory-making purported, among other things, to be grounded in women's experiences, Lugones (Lugones and Spelman, 1983:575) argued that in failing to acknowledge the certain structural political, social and economic inequalities among women, "doing theory" had become a process of the "tail wagging the dog:"

> ... feminist theory has not for the most part arisen out of a medley of
> women's voices; instead, the theory has arisen out of the voices, the
> experiences, of a fairly small handful of women, and if other
> women's voices do not sing in harmony with the theory, they aren't
> counted as women's voices – rather, they are the voices of the
> woman as Hispana, Black, Jew, etc.

While the persistency with which the voice of white/Anglo-American feminist theorists presumed to speak for *all* women tended toward the creation of a new orthodoxy, the construction of "outsiders" to the dominant discourse blatantly replicated the oppressive

structures, biases and silences that feminists sought to eradicate in the first place. The

pain of this exclusion is poignantly stated by Spelman (Lugones and Spelman, 1983:576)

who, in an Hispana voice, points to brute impact of feminist theorizing in the lives of

Argentinean women:

> We do not recognize ourselves in these theories. They create in us a schizophrenic split between our concern for ourselves as women and ourselves as Hispanas, one that we do not feel otherwise. Thus they seem to us to force us to assimilate to some version of Anglo culture, however revised that version may be.

By definitively calling into question the adequacy of theorizing based almost exclusively

on the experiences of white/Anglo women, Spelman (Lugones and Spelman, 1983:576)

questions the very relevance of theory that fails to articulate the experiences of women

impacted by the process of colonization, and by the imperialism of mainstream feminism.

Ten years later, very similar sentiments are echoed in the words of Professor Winona

Stevenson (Johnson, Stevenson and Greschner, 1993:159):

> I do not call myself a feminist. I believe in the power of Indigenous women and the power of all women. I believe that while feminists and Indigenous women have a lot in common, they are in separate movements. Feminism defines sexual oppression as the Big Ugly. The Indigenous women's movement sees colonization and racial oppression as the Big Uglies. Issues of sexual oppression are seldom articulated separately because they are part of the Bigger Uglies. Sexual oppression was, and is, one part of the colonization of Indigenous peoples.
> I want to understand why feminists continue to believe in the universality of male dominance, the universality of sisterhood, and why they strive so hard to convert Aboriginal women.

While the sole category of gender sought to establish and ground the solidarity of women, presupposing patriarchal oppression as the quintessential basis of all women's oppression clearly excludes the glad possibility of new and varied theories emerging. In isolating gender as the unifying force among women, the evocations of sisterhood had failed to position women's historical locations vis-a vis the specificity of identities and forms of oppression located across, for example, race, culture, ethnicity, age, ability, class, or sexual alliance. The absurdity of a single category of identity is clearly identified by Patricia Monture-Angus (1995:177-178):

> I am not just woman. I am a Mohawk woman. It is not solely my gender through which I first experience the world. It is my culture (and/or race) that precedes my gender. Actually, if I am the object of some form of discrimination, it is very difficult for me to separate what happens to me because of my gender and what happens to me because of my race and culture. My world is not experienced in a linear and compartmentalized way. I experience the world simultaneously as Mohawk and as woman.

While the generic category of "woman" promoted the illusion of unity among woman based on sexual oppression, the articulation of experiences grounded in layers of patriarchal, capitalist and colonial oppressions was silenced. But as attempts to rectify the situation emerged, the charges of essentialism grew louder. Spelman (1988:123) argued that even when the custodians of the feminist movement included women different from themselves, they had fatally assumed that whatever the differences were among women, the experience of sexism was the same. Spelman (1988:123) argues that the situation is, at best, an "additive analysis [which] treats the oppression of black women in a society that is racist as well as sexist as if it were a further burden when in fact it is a different

burden." Unable or unwilling to recognize the confounding effects of race/ethnicity, class and other aspects of gender identity, Spelman (1988:13) argues that "the phrase 'as a woman' had become the Trojan horse of feminist ethnocentrism."

The Difficulty of Difference

As charges of racism and classism and cultural imperialism were leveled against the powerful white/Anglo voice of the women's movement, feminist scholars expressed a commitment to avoiding the ethocentrisms, false universalisms and homogeneous totalisms that had characterized their work. Not wanting to regress to the "the good old day of undifferentiated, undertheorized sisterhood" (Snitow, 1990:17), feminist theorists posited difference as the central project in feminist theorizing. Seyla Benhabib and Drucilla Cornell (Benhabib and Cornell, 1988:13), frame the central tension of theorizing about differences in the form of a question: "How can feminist theory base itself upon the uniqueness of the female experience without reifying thereby one single definition of femaleness as the paradigmatic one – without succumbing, that is, to an essentialist discourse on gender?" That is, does the assumption "that there is a generalizable, identifiable and collectively shared experience of womanhood" (Benhabib and Cornell, 1988:13) have any validity? The difficulties in answering these questions seem enormous. While the techniques of postmodernism instruct feminists to abandon all generalizations and acknowledge that there is no one reality or truth, the accommodation of an infinite number of realities and truths threatened to undermine the analytic force and cohesion of feminist theory (Bordo, 1990:139). Put another way, theorizing from the

potentially infinite axes of identity runs the risk of sliding into the confusing state of relativism in which arguments, knowledge or truths about women's lives can be understood only in relation to specific cultural or social circumstances.

While the challenge of theorizing about difference has assumed center stage in feminist scholarship, feminist scholars encountered a prolonged and uneasy "either/or tension." Either feminist theorists accept the analytic category of gender and risk distortion of the analysis by "homogenizing diversity" or, they attend the situational and contextual specificity of women's lives thereby defying the denial of differences. Feminist postmodernists argued that accepting the single analytical category of gender necessarily involved the erasure of difference – the repression of dissident and different voices. Bordo (1990:136; 1988; 20) critically pointed to the idea that adhering to the postmodernist "theoretics of heterogeneity" entailed participating in the epistemological "fantasy of adequate representation," or what she refers to as the "dream of everywhere." For others, an analysis of multiple interpretive realities forms the groundwork for a paradigm of difference based on group specificity, fragmenting general claims. Here, critics have argued that such a paradigm will only destroy the common good by fostering separate self-interested groups with no interest or motivation to communicate and cooperatively solve problems (Gitlin, 1995; Eslhtain, 1995).

Synthesizing Extremes

In the final analysis, feminist theorists had grown weary of the worn gender/difference debate yet remained determined to honor the diversity among women. Rather than continuing to critique the assumptions and errors committed by both the gender theorists and the postmodernists, feminist scholars attempted to develop a method of analysis that synthesized the best aspects of both positions. Seeking to establish a balance between the extremes of generality and heterogeneity, some theorists began to articulate a method of analysis that would enhance the ability to talk about women's differences and specificities and retain the analytic force of the gender analysis while guarding against the relativism of endless difference. This is not to suggest that the project of synthesizing represents a singular approach or unified feminist method for difference. Feminist scholars have argued that to assume a uniform orientation or posit the synthesis as a distinctly feminist method of difference would only imitate the narrow and homogenizing effects of the monolithic gender analysis or, repeat the androcentric and sexist assumptions associated with traditional academic discourse (Lorde, 1984; Code, 1991, Harding, 1986, 1987). Within the context of the gender/difference debate, critics have already poignantly indicated that if there is one woman's standpoint, there are many diverse standpoints (Lugones and Spelman, 1983; hooks, 1984; Lorde, 1984; Johnson, Stevenson and Greschner, 1993; Monture-Angus, 1995). Clearly, the diversity of women's experiences simply defies a single cognitive framework.

In eschewing the notion of a distinctly feminist method of difference, I want to suggest that the attempt to synthesize the polarized extremes of the gender/difference debate represents just one of many possible techniques that can be used to approach the subject of difference. Put another way, Longino, (1987:53) suggests that we not think about a feminist science, but doing science as a feminist. The same idea can be applied to the topic at hand. That is, the attempt to synthesize the polarized extremes the difference debate is just one example of how one might "do difference" as a feminist (Longino, 1994).

As a technique that offers a more inclusive version of feminism, both Bordo (1990) and Martin (1994) have presented strategies of synthesis worthy of consideration. In Bordo's analysis of the situation, it is possible for feminist theorists to manage the diversity among women while retaining the analytic force of general categories. Here, the general category of gender works in conjunction with multiple other axes of identity. In an attempt to synthesize the best aspects of both positions, Bordo (1990:137) argues that early theorists working during the 1970's and early 1980's revealed the revolutionary power of the gender analysis and "uncovered patterns that resonate experientially and illuminate culturally"(Bordo, 1990:137). In addition to the power of the gender analysis, Bordo maintains that postmodernists have provided the "invaluable insight that gender forms only one axis of a complex, heterogeneous construction, constantly interpenetrating, in historically specific ways, with multiple other axes of identity" (Bordo, 1990:139). While guarding feminism against the "unbridled relativism" of infinite difference, Bordo's analysis attempts to re-legitimate the power of gender by

incorporating the postmodernist technique of multifaceted identities. For Bordo (1990:142), it follows that by enhancing the power of the gender analysis, we need not become paralyzed by the fact that there are differences among women

In the attempt to discern the fine line between generality of the gender analysis and the endless heterogeneity of postmodernism, Bordo is aware that the task is fraught with difficulties. Pointing to the "coercive, mechanical requirement at that *all* enlightened feminist projects attend to the 'intersection of race, class and gender," Bordo (1990:139) asks, "What happened to ethnicity? Age? Sexual orientation?" Calling into question the extremely limited number of variables which have been assumed to delineate critical differences among women, Bordo (1990:139) also asks, "just how many axes can one include and still preserve analytical focus or argument?" While committed to avoiding ethnocentrism and working to guard against the "view from nowhere," Bordo (1990:140) argues that no matter how attentive feminist scholars are to the multiple axes of identity, some will be selected and others will be ignored. In fact, Bordo (1990:140) argues that the process of selection is inescapably biased since "we 'see' from points of view that are invested with our social, political and personal interests." Even the "desire to do justice to heterogeneity" cannot ensure that feminist theory making will be "politically correct" (Bordo, 1990:138):

> For the dynamics of inclusion and exclusion (as history has taught us) are played out on multiple and shifting fronts, and all ideas (no matter how "liberatory" in some contexts or for some purposes) are condemned to be haunted by a voice from the margins, already speaking (or perhaps presently muted but awaiting the conditions for speech), awakening us to what has been excluded, effaced, damaged.

While Bordo's analysis certainly points to the tensions and difficulties in mediating between the two extremes in the gender/difference debate, her critique is disturbing. To err on the side of exclusion will perpetuate the erasure of difference whereas a relentless emphasis on difference tends toward the construction of "an Other who is an exotic alien, a breed apart" (Bordo, 1990:140). Given the limited conceptual choices, the project of theorizing about difference seems to create a no-win situation. However, Bordo (1990) maintains that by balancing between the confines of homogeneity and the theoretics of heterogeneity, the analytic force of the gender category can be retained and rehabilitated by working in conjunction with multiple other axes of identity. Still, the question of which variables or axes of identity are chosen remains unresolved. Given the haunting voices from the margins of feminist theorizing, we might also ask who is choosing the axes.

While Martin (1994) poses a very similar strategy of synthesis and addresses the challenge of retaining the general category of "women" with multiple axes of identity, she also presents an explicit analysis of the power relations inherent in the recognition of difference. In her analysis of the gender/difference debate, Martin (1994: 647) notes that while the "correct" feminist position requires a list of variables much longer than just race, class and gender, Bordo (1990) is correct in arguing that the list of predetermined categories is incomplete. But the problem is not just that the list is incomplete. Here, Martin (1994:647) argues that feminist theorists have committed the error of assuming, *a priori* that the categories of race, class, ethnicity, religion, sexual affiliation and other such differences are *the* essential elements of the differences among women. Without

conducting the necessary inquiries, feminist theorists have committed yet another error by assuming that the predetermined categories are the fundamental differences among women. The situation leaves Martin (1994:647) asking:

> Prior to investigation, how can we be so sure that in a woman's case being a rape victim does not matter as much or more than her race or class? How do we know that, for us, difference does not turn on being fat or religious or in an abusive relationship?

In addition, even the categories meant to locate specific differences tend to create a uniformity in diversity. Here, Martin (1994:648) notes that while the general category of "woman" imposed a false unity which masked differences and obscured the destructive forces of essentialism, the illusion of uniformity functioning to mask differences is also evident in the specific racial category demanded by the "correct" feminist perspective. For example, being Aboriginal certainly cannot be *the* defining property of Aboriginal women since myriad diversity exists among Aboriginal women. But by assuming that more specific categories are somehow better than the general categories, Martin (1994:637) argues that theorists have fallen into the "trap of essentialism:"

> Just as the category of women masks everything the category black women does and more, the category black women masks everything black Caribbean women does and more. The same is true of the category black Caribbean women in relation to black Jamaican women, of the category black Jamaican women vis-à-vis twentieth-century black Jamaican women, and so on.[3]

Martin (1994; 633) explains that within the context of feminist theory, the old version of essentialism presumed that all women shared certain characteristics that were "different from and inferior to those possessed by men." But based on the uncritical assumption that specific categories would necessarily avoid the pitfall of essence talk, theorists fell into "the trap of new essentialism" by "attributing to women properties that not all women possess or, mistaking accidental properties for essential ones" (Martin, 1994: 633-634). According to Martin (1994:636), both general and specific categories seek to situate uniformity or commonality in diversity. Although more specific categories certainly function to mask fewer differences, Martin (1994; 648) argues that theorists have been "manufacturing unity within the more specific racial and class categories" but in the case of racial categories, Martin argues that theorists have committed even a more serious error:

> Worse still, reasoning that if one property – for example being black or Asian – is held in common by women, then all properties are, they have compounded the invalid inference that all black or Asian women are utterly different from all white women by the equally fallacious one that all back or all Asian women are absolutely alike.

Once again, predominately white/Anglo feminist theorists had constructed women belonging to another race or class as the Other. In failing to acknowledge differences within the categories, feminist scholars have adopted a "different but equal" position which is analogous to "the old Separate but Equal segregationist policy" (Martin, 1994: 648). Following Martin (1994:648), it would appear that feminist scholars have somehow turned the table:

When, not long ago, the male bias of men's scholarship was revealed, feminists responded that once women are brought into the disciplines of knowledge, new narratives and theories have to be constructed. Now that feminist scholarship itself has been charged with race and class bias, our response has been different. Proclaiming in advance the impossibility of constructing adequate "integrated" theories and narratives, feminist theorists have opted for a "different but equal" policy.

By opting for the "different but equal policy," Martin (1994:648) states that feminist theorists have also fallen into "the trap of false difference" in which one simply assumes, *a priori*, that all generalizations are necessarily false. Here, Martin (1994:631) argues that in an overzealous attempt to correct the damaging error of imposing a false unity on research, feminist scholars gave privileged status to a predetermined set of categories which "affirm the existence of nothing but difference." By assuming that black and white women or middle-class and working class women are radically and absolutely different, it has been determined that women who belong to another race or class must be treated separately. By assuming *a priori* that all generalizations are false, *the* properly segregated categories prohibit the "intermingling of races or classes" and for Martin (1994:648), the situation is, among other things, "intellectually stifling."

The situation appears unworkable. The trap of false difference replicates segregationist policy and stifles intellectual inquiry while the trap of new essentialism functions to mask difference. By uncritically examining the methodological assumptions in what Martin (1994:655) refers to as the "essentialism/antiessentialism" debate, the feminist project has become riddled with "untenable dualisms." But despite the difficulties, perils and dangerous traps, Martin (1994:636) notes that it is possible to

develop a strategy that does not require traveling to extremes. Like Bordo (1990), Martin

maintains that general categories can be retained and extended by working in conjunction

with multiple axes of identity but the strategy must be used with caution. Martin warns

(1994: 637) that if feminist theorists accept that the category of gender is rehabilitated by

its partnership with multiple axes of identity, they must also recognize that differences

will be obscured no matter what category is used. Railing against predetermined

categories, Martin (1994: 637) argues that which categories are chosen cannot be

determined "in advance of inquiry or decided upon once and for all because the contexts

of our investigations change over time and so do our interest and purposes." Here, Martin

(1994:637) suggests theorists use the categories that will uncover the differences deemed

most important and "best fit our practical and theoretical purposes." That is, while the

proscribed categories will best fit some research interests and purposes, general

categories will be most appropriate for other research projects (Martin, 1994:637). But it

seems that even the best of intentions and serious self-reflection may not be enough to

ensure that the categories chosen will "best fit" the particular inquiry nor does the "best

fit" help to justify the categories chosen. But Martin (1994:655) is acutely aware of the

damage and alienation brought on by both the old and new version of essentialism. Here,

she suggests that "Before we [white academic feminists] put discussions of essentialism

behind, it behooves us to find out whether, and to what extent, they may have functioned

as one more form of resistance to the sharing of our power and privilege."

Debating Difference - What Does it Matter?

While the analysis presented in this essay is not designed to provide a comprehensive and in-depth analysis of the entire gender/difference debate within the context of feminist social theory, it does identify strategic writers, the views they propose and, particularly, an overview of the tensions and arguments within the debate. In addition, attention has been directed toward outlining a method of synthesis as one of many possible templates for organizing our thinking about difference. By way of summation, the analysis suggests certain programmatic themes integral to the view presented in this essay. Three of these are important.

First, the way of analysis is designed to follow a fine discursive line between the confines of homogeneity and the excesses of heterogeneity. For example, in their attempt to synthesize the best aspects from both sides of the debate, Bordo and Martin have provided one way of many possible ways to navigate the "untenable dualism" promoted in the extremes of gender/difference or essentialism/antiessentialsim. Here, the general category of gender has been offered in conjunction with multiple categories of identity as one possible alternative to the false universalisms and destructive totalizing tendencies of research based on the monolithic category of gender. Both the complexity and simplicity of this approach has been captured in the fact that if gender cannot be the defining feature of every woman's identity then women have nothing in common. If we share no common interests, there is nothing for feminism to be about. If there is nothing but diversity

among women, feminist theorizing will be unable to rise above the cacophony of infinitely specific claims of difference.

An analysis that takes the middle way or *via media* includes and precludes extremes as a method of analysis. For example, while incorporating the best aspects of analysis from the extremes of the gender/ difference debate presents the possibility of correcting the illusion of uniformity created by the monolithic category "woman," it would seem that even the most dedicated recognition of difference does not ensure an adequate representation of women's diversity. It is worth reiterating that while Bordo points to the incompleteness of attending to the required intersections of race, class and gender, Martin notes that the these predetermined variables function to mask differences and create the illusion of uniformity in our diversity. By uncritically assuming that more specific variables or categories are somehow better than the general categories, Martin (1994:632) argues that essence talk will trip us up every step of the way unless an alternative is found. As an alternative, Bordo and Martin have attempted to re-map a way to talk about women's differences by retaining and extending the analytic power of the gender category. This means adopting a discourse that allows a mediation between the confines of homogeneity and the excesses of heterogeneity. For both Bordo and Martin, the task of clearing a pathway in order to move from paradigm of methodological monism to a paradigm of methodological pluralism is difficult and requires a critical examination of the assumptions surrounding essentialism and false generalizations that arise on both sides of the debate. It is important to underline this approach since it insures that an analysis mediating between extremes is not vacuous.

Both Martin and Bordo believe that we need a better method for thinking and theorizing about difference. In their attempt to synthesize the best aspects of the gender/difference debate, both have sought to engage in a critical discourse with the polarized extremes of the controversy in order to map out a new "epistemic terrain" (Code, 1991:306). For those on the margins of mainstream feminist theorizing, the need for a new paradigm has been most poignantly stated (for example, Lorde, 1984; hook, 1989, Lugones and Spelman, 1983; Johnson, Stevenson, Greschner, 1993; Maracle, 1988). While Bordo and Martin have clearly presented the challenges and perils of constructing a new paradigm that is capable of capturing the rich plurality of diversity, the general and specific categories used to talk about differences within the context of a new paradigm still require justification. This essay is a beginning step in that direction.

More skeptical questions may arise about the analysis presented in this essay. For example, "Why care about the strategies put forth to help us talk about differences? Why be concerned about shifting paradigms, damaging essentialist tendencies or categories of analysis? After all, these are mostly general and rather abstract theoretical concerns and while "theory talk" aims to provide a comprehensive and systemic account of social relations and interactions as a whole, it also tends to conjure up the idea of elite and rather dull armchair discussions. But despite the fact that theory tries to help us gain a general understanding of what goes on in the world around us, Young (1994:717) maintains that "feminists do not need and should not want theory" in this self-enclosed generalist sense. Instead, Young (1994:717-718) argues that feminists might consider

doing "pragmatic theorizing" by "explaining, developing accounts and arguments that are tied to specific practical and political problems." In this essay, I follow Young's suggestion and frame my inquiry into a method of justification for feminist categories by developing a very pragmatic account of the gender/difference debate. By being pragmatic, I mean that I will tie my account of the theoretical concerns expressed within the context of the gender/difference debate to a very specific and practical social issue. To do this, I will first situate the debate within the context of feminist criminology and provide an account of how some of the theoretical tensions and arguments have been deployed. Specifically, I will examine, explain and develop an account of how the strategy of general categories working in conjunction with multiple axes of identity have played out in the articulation of feminist criminologist's theorizing about Aboriginal women who have been incarcerated in Canadian prisons. In this specific context we have a pragmatic application of the utmost importance, both socially and politically; correlatively, we can begin to understand why it is critical that we begin to develop an understanding of the presuppositions within the gender/difference debate and why a method of justifying the feminist categories of analysis is of paramount importance. These are the concerns which are the subject of Chapter Two.

CHAPTER TWO

Criminology and Feminism

While Chapter One of this essay addressed more theoretical issues in the gender/difference debate with its various conceptual tensions and resolutions, Chapter Two embarks on a more pragmatic approach by developing an account of how the various arguments have been deployed within the context of feminist criminology. Here, the views and arguments of feminists criminologists are identified and examined with particular attention to the range of conceptual issues inherent in the attempt to resolve the tensions involved with gender in relation with multiple axes of identity. Attention is directed to the category of "incarcerated Aboriginal women" which *prima facie* appears to mediate between the polarities of the conceptual conflicts between gender and axes of identity as well as offer certain beneficial insights. At the same time, however, attention is directed to views indicating endemic dangers in using a category for essential group identity; some feminist scholars have noted the tendency to stereotype while others martial more formidable criticisms related to the denial of differentiation within and across groups. Taken together, such criticisms suggest a need for a more constructive conceptualization to mediate essential group identity and differences.

Coinciding with the "second wave"[4] women's movement, the work of early feminist scholars such as Frances Heidenshon (1968) and Marie Andree Bartrand (1969) "signaled an awakening of criminology from its andocentric slumber" (Daly and Chesney-Lind, 1988:507). By 1976, Carol Smart's publication entitled, *Women, Crime*

and Criminology drew unprecedented attention to the feminist project within the realm of criminology (Naffine, 1996:31). As feminist scholars sought to discover "alternative modes of conceptualizing the social world" (Smart, 1976:180), an outpouring of critiques occurred during the mid-1970's and 1980's (for example, Chesney-Lind, 1973; Klien, 1973; Adler, 1975; Feinman, 1980; Leonard, 1982). In an academic tradition by men, about men and for men, emerging feminist perspectives sought to make visible what had been invisible: women's crime and their experiences within the criminal justice system.

In drawing attention to the virtual exclusion of women from mainstream theories of crime, early feminist scholars working throughout the mid-1970's and 1980's also pointed to the fact that even when women were included in criminological research and theorizing, descriptions and explanations of their criminal activities were trivialized, distorted and riddle with sexist assumptions (for example, Smart, 1976; Edwards, 1981; Heidensohn, 1985, Morris, 1987). Excluded and marginalized as both the subjects and producers of knowledge in mainstream criminology (Boritch, 1997:50), early feminist theorists broadly shared a twofold project (Daly and Maher, 1998:2). First, scholars sought to correct the blatant male bias in criminological theory and practice that had consistently rendered women's crime invisible and characterized women in sexist ways. Second, feminist scholars engaged in sustained studies examining and documenting women's activities, experiences and perspectives as offenders, victims and workers in the criminal justice system (Daly and Maher, 1998:2).

Frequently referred to as the "first phase" of feminist criminology (Daly and Chesney-Lind, 1988; Gelsthorpe and Morris, 1987, Naffine, 1996), the identification of explicitly gender-biased academic canons and scholarly practices that left women out altogether closely paralleled the activities of feminist scholars working in virtually every other academic discipline. Blinded to gender, the academic tradition of criminology reflected a male view of the world, biased toward male experiences and activities (Gelsthorpe and Morris, 1988). While the exclusion of women may have been justified on the grounds that women represent a minority of those who come into contact with the criminal justice system (Adelberg and Currie, 1987), Gelsthorpe and Morris (1998:103) state that theorizing, while omitting half the population, rendered an incomplete and entirely misleading explanation of crime:

> Theories are weak if they do not apply to half of the potential criminal population; women, after all, experience the same deprivations, family structures and so on that men do. Theories of crime should be able to take account of both men's and women's behaviour and to highlight those factors which operate differently on men and women. Whether or not a particular theory helps us to understand women's crime is of fundamental, not marginal importance for criminology.

By utilizing the category of gender in the study of crime, the point was not to "push men out so as to pull women in" (Renzetti, 1993:232), but rather to place women with men "at the center of intellectual inquiry, not peripheral, invisible, or appendages to men" (Daly and Chesney-Lind, 1988:504).

While the inclusion of women would only strengthen the comprehensiveness and explanatory power of theories about crime, the task of correcting the male bias within the criminological modes of practice and theorizing appeared more complex than simply adding women to existing theories. Here, feminist scholars pointed to the legacy of intellectual sexism advanced in the explanations of female criminality during the late 19th century and early 20th century, starting with the publication of *The Female Offender in 1895* by Cesare Lombroso and William Ferrero, W.I. Thomas's *The Unadjusted Girl* in 1923 and Otta Pollak's *The Criminality of Women* in 1950.[5] Typically these explanations of criminality were based on a naturalistic biological model with a dualistic emphasis in which women were naturally directed by the urges of passivity, nurturance and dependence (virtues) on the one hand, and, on the other hand, were influenced by the negative urges of sexual deviance, moral deficiency and inherent evil (vices). As both the positive and negative qualities were "naturally" inherent in all women, the negative traits are simply more pronounced in criminal women" (Boritch, 1997:52). In some vague way, it seemed to follow that women's crime was simply a crime against their "true" (virtuous) biological nature. While this entrenched form of biological determinism sought to provide a "scientific" explanation of women's crime, feminist scholars pointed to its misleading, if not entirely distorted explanation of female crime. Here, some feminist criminologists direct their critical remarks to the contradictory and stereotypical images of women inherent in the dualistic thinking. For example, Edwards (1981:49-50) notes that framed within a biological model, all women were constructed to be good but bad, chaste yet unchaste and virgins yet whores. Although many have agreed with Gavigans's (1983:77) assessment that the credence given to the biological model is "almost beyond

absurd," explanations of women's crime framed within the simplistic "Madonna/whore" dichotomy (Morris, 1987; Edwards, 1981; Feinman, 1980), have actually been reflected in more recent explanations of women's crime (Chesney-Lind, 1999; DeKeserdey, 1999).

While some feminist scholars argued that gender awareness would function to correct the sexist, andocentric and misogynistic theories constructed by men and about men, others believed that new narratives and theories would have to be constructed. In what Daly and Chesney-Lind (1988:504) refer to as a process of "rethinking" traditional theory and methods, the early feminist scholars worked to "ask new questions [and] put old problems in a fresh light." As theorizing began to shift its focus from critiquing the distinct gender-bias within criminology, the analysis of gender became the defining activity of feminist criminological scholarship. Directing critical attention to the forces of gender-blindness and essentialisms within traditional criminology, feminist scholars focused their work on filling in the significant gaps in our knowledge concerning the activities, experiences and perspectives of women and girls within the criminal justice system. The importance of this early feminist scholarship has been clearly noted by Gelsthorpe and Morris (1990:1-5):

> Feminist researchers have made female offenders visible. They not only developed a critique of 'accumulated wisdom' about female offenders and victims, but illuminated institutionalized sexism within criminology theory, policy and practice. For example, they identified the way in which traditional gender-role expectations influenced the treatment of both female defendants and female victims ... they showed that girls were penalized for behaviour which was condoned, if not encouraged, for boys ... that being a good wife and mother governed courtroom decision-making ... and that women who alleged abuse found themselves suspect.

As scholars sought to address a wide range of topics hitherto unexplored, the category of

gender was promoted in opposition to the attempt to define women's nature through

biological sex. By taking women's activities, experiences and perspectives as the primary

subject of feminist research, feminist criminologists sought to establish practices and

theories by women, about women and for women. Starting with the "lived reality" of

women's lives (Smith, 1987:107), feminist scholars sought to provide a systematic

understanding of the lives of women prisoners, women victims and women working

within the criminal justice system. As a privileged vantage point for knowledge

surrounding women's lives, theorizing from the standpoint of women was considered to

be "a moral and political act of commitment to understanding the world from the

perspective of the socially subjugated" (Harding, 1986:140). In breaking down the

separation between the knower and the known, feminist theories of crime were

constructed on knowledge that was situated, relational and engaged. Understood as "the

standpoint perspective," this view is remarked on by Smart (1990:80):

> The epistemological basis of this form of feminist knowledge is experience ... Feminist experience is achieved through a struggle against oppression; it is, therefore, argued to more complete and less distorted than the perspective of the ruling group of men. A feminist standpoint then is not just the experience of women, but of women reflexively engaged in struggle (intellectual and political). In this process it is argued that a more accurate or fuller version of reality is achieved. This stance does not divide knowledge from values and politics but sees knowledge arising from engagement.

As the standpoint perspective gained popularity throughout the 1980's, Naffine (1996:52) explains that "implicit in this feminism is the idea that women can acquire a more authentic, less clouded, view of reality." The difficulties of justifying the metaphysical commitments of this view, however, were not as problematic as the explicit reference to situated knowledge. The epistemological implication is accurately noted by Susan Hekam (1999:38), who states that "situated knowledge is, by definition, plural. It necessarily acknowledges the differences and diversity of the constitution of knowledge." Because this notation of difference was raised against the generalized presupposition of "women" which had maintained its paradigmatic status, it now became obvious that the unifying force of the category "women" was losing its analytic force as it effectively erased the differences and diversity among women. Critics now pointed to the fact that the "woman's voice" within the context of feminist criminology had been reduced to a single voice and the analysis of "women's realities" primarily reflected the standpoint of white/Anglo women (Russell, 1992; Simpson, 1991; Rice, 1990; Carlen and Worrall, 1987; Carlen, 1985).

Marking the "second phase" of mainstream feminist criminology, scholars struggled to recognize and theorize about difference (Daly and Maher, 1998:3). In a situation that replicated the tensions and arguments of the gender/difference debate within the larger feminist movement, Carlen (1985:10) pointed to the fact that in failing to recognize the diversity of women's experiences, feminist scholars had mistakenly the constructed the "essential criminal woman" - effectively denying the diversity among women who break the law. By treating women who break the law as a homogeneous

group, feminist criminologists had actually replicated the oppressive and rigid ideals of women that they sought to refute in the first place. While the "standpoint perspective" of women claimed to recognize diversity and difference, the unifying category of gender failed to recognize identity in terms of race, ethnicity, class, ability or sexual orientation. Silenced and excluded, Rice (1990:58) suggests that black female criminals are "the other dark figure in crime."[6]

By situating the construction of knowledge in the reality of women's lives and experiences, critics argued that knowledge and reality must be plural. But the monolithic category of "woman" implicit in the feminist standpoint position rendered plurality untenable. In an attempt to rectify the tension between these two positions, feminist theorists working in the area of criminology faced an awkward task of negotiating between the problem of generality and heterogeneity. In grappling with the same either/or tension that emerged in the gender/difference debate, standpoint theorists struggled to maintain the legitimacy of their generalizations on the basis of gender while developing the ability to include different locations and dimensions of identity. As Hekman (1999:39) notes, "if we abandon a single axis of analysis, *the* standpoint of women, and instead try to accommodate the multiple, potentially infinite number of standpoints of diverse women, we are in danger of losing the analytic force of our argument." Put another way, critics have argued that the truth claims advanced from the general analytic category of "woman" (*the* standpoint of women) are necessarily ethnocentric, artificial, homogenizing and exclusionary. But if general categories are rendered illegitimate, what is the common ground uniting the feminist projects? Does theorizing from the potentially

infinite number of women's standpoints mean that knowledge and truth claims about women's lives can only be understood in relation to a particular standpoint? That is, if you are a white woman and I am an Aboriginal woman, you will not and cannot in principle "get it". [7] As Naffine (1996:52) asks, "If I am speaking as a woman, and for women, on behalf of which women do I speak or can I speak only for myself?" And following Hekman (1999:66), "If I speak only for myself, my voice will have no effect; I might as well remain silent. If I cannot persuade others, or do not even try to, there is little point in speaking at all".

Gender and Multiple Axes of Identity

While the gender/difference debate has been characterized by a multitude of charges ranging from racism to classism, feminist theorists working in criminology appear to have found a happy medium. Although early gender theorists had provided extremely valuable insights working with general categories such as "women and crime," "female criminality," "women in prison" and "female offenders," feminist criminologists adopted the strategy of using these general categories in conjunction with multiple other axes of identity. As a more inclusive technique of analysis, the category of gender working with multiple other axes of identity offers one of many possible templates for increasing our understanding of the complex differences among women involved within the criminal justice system. As a technique that is capable of retaining and extending the analytic power of gender without promoting essentialism, the use of multiple axes of identity has the potential to confer greater subtlety, complexity and precision in analysis.

As a way that seeks to balance between the extremes of homogeneity and heterogeneity, the practical consequences of theorizing using the general category of gender along with multiple axes of identity is especially significant with regard to the lives of Aboriginal women involved with the criminal justice system. Here, the specific axis of race/culture working in conjunction with the general category of gender has often functioned to illuminate the extreme situation of Aboriginal women as victims of sexual assault and domestic violence (for example, McGillivray and Comaskey, 1999; McIvor and Nahanee, 1998). While scholarly critiques profiled the violence against Aboriginal women and worked to develop theories and policies to address the problem, the formation of the category "incarcerated Aboriginal women" was designed to draw attention to the extreme overrepresentation of Aboriginal women in Canadian prisons. Attentive to the subtle nuances of language, the category explicitly recognizes the differences among women based on the specific identity axis of race/culture. By retaining the general analysis of "women," the category also carries with it the epistemological advantage of being able to make some qualified generalizations about the collective experience of women who are Aboriginal and incarcerated in Canadian prisons. Balancing between the extremes of homogeneity and heterogeneity, the category "incarcerated Aboriginal women" represents a middle ground between essentializing assumptions about women and the relativism connected to the valorization of differences among women.

In terms of collective experience, the category of "incarcerated Aboriginal women' is invaluable. Like all women involved within the criminal justice system, the voices of Aboriginal women have been silenced solely on the basis of gender. Here, the relatively small numbers of women incarcerated within Canadian prisons compared to the number of male prisoners has consistently justified the perception that female prisoners are still "too few to count" (Adelberg and Currie,1987). For example, data gathered during a "One-day Snapshot"[8] (Finn, Trevethan, Carrière and Kowalski, 1999:3) indicated that women represented only about 5% of all inmates registered in Canadian correctional institutions (1,807 female inmates compared to a total of 37,541 inmates). But despite the recognition of Aboriginal peoples as a distinct group vis-à-vis an analysis based on the specific category of race/culture, the preponderance of research on the phenomenon of overrepresentation within the criminal justice system has tended to portray Aboriginal peoples as a monolithic group while counting, analyzing and theorizing about the overrepresentation of Aboriginal men (Monture-Angus, 2000:371). As a result, the dissemination of official statistical data has tended to obscure the fact that Aboriginal women are overrepresented to a much more dramatic extent than Aboriginal men (Monture-Angus, 2000, La Prairie, 1993). For example, 1998/1999 data indicates that while Aboriginal peoples represent 2% of the general adult population in Canada, Aboriginal peoples accounted for 17% of admissions to both federal and provincial/territorial correctional institutions (Thomas, 2000:9). Put another way, data from the Solicitor General Canada (2000:45, [supra p.11, Table 1.1]) reported that as a homogenous group, there was a total of 2,179 identified Aboriginal peoples incarcerated in federal prisons. This equates to 17% of the total prison population of 12,816.

However, data from the Solicitor General of Canada also utilizes a gendered analysis working in conjunction with the race/culture category to reveal that while Aboriginal men represent 17% of the adult male prison population, Aboriginal women represent 25% of all women incarcerated in Canadian correctional institutions during 2000 - a rather astounding increase of 7% since 1998.

Difference as Identity

With an underlying aim to raise awareness of the extreme situation facing too many Aboriginal women, the idea of "incarcerated Aboriginal women" illustrates the practical benefits in using a general category such as gender along with the specific axes of identity or, vise-versa. From a distinctly feminist perspective, the category appears to offer an opportunity to explore and highlight the activities, experiences and perspectives of Aboriginal women in prison. Certainly, the chance to expand and organize one's thinking about the lives of "incarcerated Aboriginal women" provides a solid basis for developing a deeper understanding of empowerment. Indeed, deeper understandings of Aboriginal women's lives and reflection on the forces which have brought Aboriginal women into contact with the criminal justice system also presents the opportunity to develop the comprehensive theories and policies needed to begin meaningful change. As a category that carries with it all these possibilities and perhaps even more, its benefits are certainly not to be disputed. At the same time, feminist social theorists have noted that the emancipatory potential of the category is severely limited by the rigid conceptualization of the group's identity that, based on essentialist definitions of the

group's members, "denies the similarities that many group members have with those not considered in the group, and denies the many shadings and differentiations within the group" (Young, 2000:89).

The criticism has force. With group identity conceptualized in the form of essential attributes that all group members share, the plurality of multiple group identity is denied and the rigid "insider/outsider" distinctions are reinforced. Here, the logic of general categories working with gender and in conjunction with multiple axes of identity appear to run the unavoidable risk of creating overly simple and/or falsely unified portraits of group, cultural and individual identities. As Martin (1994:648)) poignantly noted, the process of group differentiation has serious and often painful consequences for women's relative privilege or disadvantage. Here, the point is that generalizations not only reduce the complexity of individual experiences, but some generalizations deny differences between and within groups, freezing the plurality of social relations and, erasing certain kinds of oppressions in the service of articulating others (Young, 2000:86; Bulter, 1992:164). Without critically developing analytical and moral clarity surrounding the charge of essentialism, feminist social theorists run the risk of replicating the very mechanisms of exclusion they opposed in the first place.

For "incarcerated Aboriginal women" or any group – whether it is women refugees, senior citizens, persons with disabilities, gay people, Muslims or Jews, the classification of group identity has important social meaning. That is, if one were to ask what makes the group a group, a series of attributes would be delineated. Race, age,

religion, nationality and culture/ethnicity are some of the attributes that function to identify those in the group. As Young (2000:87) notes, "Identifying the group of Latinos, for example, means finding the essential attributes of being Latino, such as biological connection, language, national origin, or celebration of specific holidays." Put another way, to say that "incarcerated Aboriginal women" are a group means, delineating the essential attributes that those members of the group share in order to determine what makes the group a group (Young, 2000:87). Here, gender assigns the physical attributes of the group members while race/ethnicity assigns the cultural attributes. The axis of "incarceration" assigns the official criminal penalty associated with specific acts of social deviance. Together, the attributes function to form a rigid boundary around the group. The nature of incarceration is often refined in terms of level (federal or provincial) and the specific nature/degree of the crime (for example, prostitution, murder, shoplifting, armed robbery or assault), age, level of educational attainment and marital status often add some flavor to the group's differentiation. But particularistic crime categories, frequency counts of specific criminal behaviors and assorted demographic variables fail to provide a holistic understanding of the group. Here, totalizing generalizations give thicker descriptions by delineating the essential attributes that members of the group are thought to share.

Given the foregoing conceptualization of "incarcerated Aboriginal women," the process of stereotyping begins by imposing specific characteristics on members of the group. Here, the attempt to define the essential attributes of group members has often involved a process of flagging negative statistical and experiential data. In turn, this

process has often functioned to promote a kind of invidious essentialism that produces thick description while aggravating rigidly fixed beliefs that become stereotypical of those women within the category. Masquerading as knowledge, the stereotypes of "incarcerated Aboriginal women" purport to tell us who these women essentially are, what they are like and how they should be appropriately treated in society. Invariably, there is an exceptive instance; someone will stand up and say, "This is not me, that is not my experience, I do not belong to the category by which you seek to emancipate me" (Butler, 1992:164). In response to the negative identity assignment constructed by outsiders, we frequently produce facts as counterevidence to the painfully damaging stereotypical representations of our identity. But stereotypes are not so easily undercut. In part, the stability of stereotypes are grounded in the fact that they are often accurate, to some extent (Allport, 1954:192). Confirming instances then work to strengthen stereotypes while exceptions and empirically verified counterexamples are simply viewed as aberrant. As an entirely flexible entity, the stereotype can accommodate seemingly blatant contradictions while maintaining the rigid unity of common meaning. Given the complex play between elasticity and rigidity at work within a stereotype, simply negating the preconception, pointing to exceptions or attaching a positive value on the negative imagery is often irresistible but slightly amiss. As Berger (1963:157) notes, "those on the receiving end of negative identity assignments are very prone to accept the categories invented by their oppressors with the simple alteration of replacing the minus sign originally attached to the identity in question with a plus sign."

As the profoundly alienating impact of the negative imagery associated with stereotypes of Aboriginal women has been well documented (LaRocque, 1996; Marcle, 1996;Culleton, 1983; Campbell, 1973, [supra pp. 12-14]), we might to well to follow Berger and begin by examing the category itself. Here, the constant flagging of negative statistical and experiential data functions to promote a negative valuation of the group and the endemic danger in this type of analysis and theory construction is the production of overly generalized statements that tend not to acknowledge strategically important differences. What is required at this point is a form of conceptualization that embraces the interaction between generalizations and fundamental differences; this is the subject of Chapter Three.

CHAPTER THREE

Hekman on Weber

While the conflicts within the gender/difference debate as presented in Chapters One and Two require a resolution, they also raise the question of "which difference?" The general category of gender working in conjunction with multiple axes of identity certainly offers a synthesis between the polarized extremes of the debate, the conceptualization of, for example, "incarcerated Aboriginal women" seems to suggest that some axes of identity tend to obscure differences, reducing group members to a common essence. Here, it might be said that the recognition of some differences may be better than others. But why is this so? That is, what reasons are given to justify choosing one difference over another? Working within a feminist context, a theory of justification would meet two related requirements. First, a theory of justification would establish a methodology that locates a way to justify the general categories employed in views being advanced as true. Here, the arguments put forth in the context of the gender/difference debate from women marginalized by the mainstream feminist discourse have appropriately indicated the need to justify truth claims advanced from such general categories as "woman" and "gender". Second, a theory of justification would include an epistemology which attends to the more particular categories that are specific to the emphasis on differences as, for example, "Aboriginal", "incarcerated," or "incarcerated Aboriginal women." To examine these issues, I turn to the work of Susan Hekman (1999) proposing that her methodological approach and, specifically, her utilization of Weber's

concept of the "ideal type" will provide a beginning understanding of and justification for the concepts used by feminist theorists.

A Unique Hermeneutic

Hekman's aim in offering a strategy to allay the often conflictive position within the gender/difference debate involves a highly selective use of the views of Max Weber (1949). Hekman (1999:69) cites Foucault's comment on using Nietzsche's work: "The only valid tribute to thought such as Nietzsche's is precisely to use it, to deform it, to make it groan and protest." While noting that using Weber's views in the interest of feminist purposes is an example of making it "groan and protest," Hekman argues that the usefulness of Weber's work on the ideal type requires that she adopt a distinct method of analysis. Here, Hekman (1999: 68) approaches Weber's work as a "Bandita," an intellectual outlaw, who raids the work of a male theorist for what is useful and leaves the rest behind."[9] Operating in the spirit of a "Bandita," Hekman aims to select only what is useful from Weber's work in order shape one of many possible templates for understanding and establishing a means of justifying feminist categories. Her aim is not to replicate Weber's work or propose an interpretation that might contribute to the current unresolved problems in the philosophy and methodology of the social sciences. Hekman is certainly not proposing a detailed schematization or a discriminating interpretation of Weber's entire theoretical and methodological position nor does she seek to address the "logical status" of the "ideal type." Given this unique hermeneutic, Hekman's approach may be described as *selective* in that it identifies only particular aspects of Weber's

complete view and *functional* in that only those aspects that are actually useful in contributing to a positive resolution of the controversial and conflictive gender/difference debate within feminist theory. In attempting to bridge the theoretical gap between the extremes of homogeneity and the "theoretics of heterogeneity," she does not assume the role of the faithful exegete of Weber but rather aims to formulate a method of social analysis that incorporates certain features of his view. Hekman (1999:69) does acknowledge that while Weber represents a thoroughly masculine writer working in the "masculinist tradition,"[10] this is no impediment to the project as her interest lies in the fact that his orientation as a social theorist is essentially pragmatic. That is, Weber's goal as a social analyst was to *understand* social reality.[11] Here, the orientation to the goal of social understanding is the pragmatic constraint in forming social theory and while Hekman (1999:68,69) seeks to provide us with a means for dealing with differences, her argument is "that the criterion that provides us with a means for deciding which concepts to apply in our analysis is not the truth of the social totality but, rather, the understanding of some particular aspect of social reality."

Dimensions of Weber

While Hekman has noted that as a "thoroughly masculinst/modernist" writer Weber is not the most likely candidate to use for a feminist project attempting to incorporate a method of justification, this is not the kind of critical negation as is found in some of the writers in the Weberian tradition. Burger (1976:ix), for example, argues that although the historical significance of Weber's ideal type still commands interest, "it may

no longer have a direct bearing on the current state of affairs." Giddens (1976:23) argues

that shifting methodological frameworks in the social sciences have rendered Weber's

work on the ideal type "obsolete." Perhaps more fundamentally, Burger (1976:ix) has

noted that despite numerous attempts to understand the formulation of the ideal type,

efforts have been thwarted by a certain lack of clarity often attributed to Weber's rather

confusing presentation of his views. In an earlier work, Hekman (1983:15) notes that

Weber lacks the certain philosophical sophistication we have come to expect from more

contemporary accounts and, at times, his theory is vague and even confusing. In light of

these criticism and despite what Hekman (1999:78) refers to as his rather "tortured

examination of the social-scientific methodology and, particularly, the ideal type," she

remains consistent with her method of analysis and selects at least four aspects of

Weber's work which are functional for the construction of a method needed to justify and

understand the categories that feminist theorists employ.

Although criticisms of Weber's work are certainly insightful, they are not decisive

in precluding Hekman's (1999:69) use of the unique hermeneutic mentioned above to

identify specific aspects or ways of thinking that are relevant to feminism and contribute

to a distinctly feminist Weberian-type analysis. As the first of four central features

significant for feminist purposes, Hekman (1999:69) argues that the strong emphasis on

subjectivity guides Weber's attempts to explain that it is the knowing subject that is

pivotal in explaining how meaning is constituted in social reality. Given that feminist

scholars have repeatedly appealed to the subjectivity of "women's experience" (women's

reality), there is a natural compatibility between Weber's work and the larger feminist

project. A second feature of interest is the association with "objectivity" which is a topic

of extended critical dispute in Weber's views. Here, Hekman (1999:69) simply notes as a

matter of historical interest and without extended comment that definitions of an

"objective social science" have often been associated with Weber, marking a tradition of

social scientific inquiry as value-free, neutral. Hekman (1999:69) goes on to note that,

despite Weber's association with some of the central ideals of modernity, he is also a

critic of universalization, excessive rationalism and presuppositionless objectivity. Far

from embracing the notion of universally valid concepts, Hekman (1999:69) notes that

Weber is primarily concerned with questions surrounding origins: why would this form

of thinking and social organization arise in the West and nowhere else? The question is

about origins, not universalization; she states: "His methodology is grounded in the

rejection of the possibility of defining universal laws of human social life or grasping the

totality of social reality." Hekman (199:69-70) argues that it is Weber's theory of the

ideal type which denies the possibility of formulating universal laws, defining social

analysis as necessarily one-sided and comprised of several levels of values.

A further feature, which Hekman believes, is of interest to feminist purposes is

Weber's compatibility with postmodern concerns as found in his conviction that the

world is devoid of meaning; it becomes meaningful only when social actors endow it

with meaning. Hekman (1999:70) claims that Weber, like many postmodern thinkers, has

a major concern with the "disenchantment" of the modern world; she notes: "Weber's

interest in Western rationalism is not rooted in the conviction of its rightness, but, rather,

in the belief that we must cling to some form of knowledge against the void." Finally,

Hekman argues that by situating Weber within an historical context, his work has a broad significance, especially within the realm of contemporary feminist and non-feminist methodological disputes. Specifically relating the significance of Weber's work to the gender/difference debate within contemporary feminist theory, Hekman (1999:70) notes that development of the ideal type was fashioned in response to a parallel fact/value debate concerning the methodology of the social sciences. In Weber's day, the debate was characterized by two opposing positions: the subjectivists on one hand and the positivists as advocates of a nomothetic social science on the other. In simple terms, the positivists argued that if the methods of the natural sciences were applied to the study of social life, universal laws and objective truths about society would be revealed. Railing against the positivist ideal of "objective truth," the subjectivists argued that social-scientific knowledge was primarily concerned with human meaning and values - therefore inherently subjective and positioned in stark contrast to the objective, value-free knowledge of the sciences. In a broad sense, Weber's formulation of the ideal type was an attempt to steer a middle course, to synthesize the best elements in the positivist and subjectivist doctrines that dominated the methodological debates of his day. By avoiding the errors he found in both the positivist and subjectivist positions, Weber sought to develop an understanding of objectivity that preserved the scientific nature of the social sciences while providing a framework for the analysis of subjective meaning without slipping into relativism of subjectivism. While the position within this debate parallels the contemporary feminist controversy surrounding gender and differences, Hekman's interest is focused on Weber's argument against the subjectivists. Here, Weber (1949:72) states:

> Now, as soon as we attempt to reflect about the way in which life confronts us in immediate concrete situations, it presents an infinite multiplicity of successively and coexisting emerging and disappearing events ... the absolute infinitude of this multiplicity is seen to remain undiminished even when our attention is focused on a single "object" ... All the analysis of infinite reality which the finite human mind can conduct rests on the tacit assumption that only a finite portion of this reality constitutes the object of scientific investigation, and that only it is "important" in the sense of being "worthy of being known."

Following Weber's position, reality presents itself to us as a never-ending multitude of both quantitative and qualitative phenomenon. In a quantitative sense, reality is never-ending because it is impossible to give a complete description of the whole of reality. Reality is also qualitatively never-ending because it is impossible to give a complete description of any one event or "object" of reality. Against the subjectivists, Weber argues that no aspect of reality can be conceptualized without presuppositions (Weber, 1949:78). According to Weber, everyday life requires that we necessarily employ concepts and values to help us make sense of the world. In short, we do not and cannot enter into even the most basic social encounters, without reference to the concepts, presuppositions, values given to us as social actors and this is neither aberrant nor illegitimate but an activity which is fundamental to human social life (Hekman, 1999:71).

The Ideal Type

Given Weber's (1949:78) position that the nature of reality cannot be decided "presuppositionlessly" or without reference to the significance of certain segments of that

infinite multiplicity, Hekman (1999:71) turns to address the question of how the social

scientists form their concepts. Here, in a Weberian mode Hekman takes the view that the

selection of concepts is a two-step process with each step involving a choice of values.

According to Weber, without a specific value oriented point of view, the ability to

analyze reality is reduced to the "chaos of existential judgments." Given the presentation

of reality as an infinite multitude of events, working "without presuppositions" would not

make it clear which segment of reality is interesting in a cognitive sense (Weber,

1949:78). In defining the first value choice as social, Weber states that values are needed

to order the multiplicity of meanings imposed by the society in which the social scientist

lives (1949:78):

> Order is brought into this chaos only on the condition that that in
> every case only a part of concrete reality is interesting and
> significant to us, because only it is related to the *cultural values* with
> which we approach realty.

Hekman (1999:71) notes that there is a second value choice that is individual, not social:

"out of the set of cultural meanings the social scientist must choose an object of

investigation." Now this appears to align with Weber's (1949:82) understanding that

"without the investigator's evaluative ideas, there would be no principle of selection of

subject-matter and no meaningful knowledge of the concrete reality." The outcome of the

researcher's choice in this respect is a conceptual tool that Weber (1949:90) refers to as

the "ideal type":

An ideal type is formed by the one-sided *accentuation* of one or more points of view and by the synthesis of a great many diffuse, discrete, more or less present and occasionally absent *concrete individual* phenomena, which are arranged according to those one-sidedly emphasized viewpoints to a unified *analytical* construct.

According to Hekman (1999:71), Weber's view of the ideal type is to be taken as "a significant contribution to explaining how social scientists formulate analytic concepts." That is, once the subject of analysis is chosen, the investigator then selects those aspects, which are essential from the point of view of her specific research goals. But Hekman is careful to note (1999:71) that Weber does not explain what is meant by "specific theoretical goals" and the inevitable problem is to figure out *which* elements the researcher is to synthesize into the ideal type. For example, given Aboriginal women as a chosen concept, which aspects or axes is the investigator to select for synthesis? Which of the "most prominent and consequential" features of Aboriginal women's lives is the investigator to select and combine: Aboriginal women's health practices, martial status, history of sexual abuse, experiences of domestic violence, criminal status or, level of educational attainment? Clearly, these aspects all carry value-laden presuppositions that raise queries about what exactly is the "specific theoretical goal" of the social researcher. For this reason, Hekman (1999:71-72) deems it necessary to add a stage in order to more fully explain the process of selecting objects of social analysis. As a stage determined by the conventions of the discipline to which the social scientist adheres, two constraints are applicable. First, Hekman addresses the constraint wherein each discipline defines what objects are worthy of investigation; subjects/objects not conceptualized in the disciplinary matrix cannot become objects of investigation. Second, the discipline also defines the

"logical compatibility" – the rules or conventions by which the selected concepts are

analyzed and assessed; what is considered "logical" is construed in the paradigm current

in the investigator's social scientific community (Hekman, 1999:72).

> The influence of the disciplinary matrices entails that social scientists
> can only study aspects of the social world that haven conceptualized by
> their discipline and deemed worthy of study. Further, they must analyze
> these concepts according to their discipline's definition of "logical"
> analysis. These are significant constraints. They entail that analyzing
> aspects of social reality not conceptualized and approved by the
> discipline or conducting analysis in what is defined as an "illogical"
> manner will result in "unscientific" results.

Having proposed that a more complete and viable social-scientific analysis will

include this three-stage selection process in which aspects of the social world are

synthesized into ideal types, Hekman (1999:72) offers her understanding surrounding the

role and the function of ideal types. They are definitely not hypotheses or empirical

descriptions of reality, but "yardsticks" by which reality can be compared. In Weber's

(1949:104) terms, the ideal type "serves as a harbor until one has learned to navigate

safely in the vast sea of empirical facts." Ideal types are neither historical reality or "true

reality" but limiting concepts or "utopias," the purpose of which is to provide a means of

comparison with concrete reality in order to reveal the significance of that reality

(Hekman, 1999:72, citing Weber, 1949:90). The use of "comparison" in this context is

interesting in that it seems to suggest the type of analogy embedded in the family of

comparison terms, e.g., "like" or "as" which, in turn, makes it appear that there is a form

of analogy here wherein the ideal type functions as an analogue in the drawing of

parallels between the objects of analysis and the ideal type. Hekman (1999:72) notes that

the "reality" referred to here is a culturally conditioned reality, not the reality of "brute facts:"

> What this entails is that the comparison that ideal types facilitate is between the social scientists' and the social actors' concepts. And the purpose of the comparisons for the social scientist, as Weber reiterates, is to illuminate cultural reality. This is quite different from the presuppositionless assessment of brute social facts.

This view of the ideal type enables Hekman (1999:73) to adopt a type of Weberian position against the subjectivist view, arguing that even the most ordinary social actions involve concepts and presuppositions and the social scientist's concepts, though distinct from those of the social actor, are built on those concepts and are on an epistemological continuum with them. Based on the false assumption of a presuppositionless search for universal laws, the subjectivist's arguments advocating a nomothetic social science are also refuted. For the value presupposition of science is that scientific truth is a valuable goal, one hardly established scientifically. In short, all cultural analyses must begin with the values presupposed by cultural meaning. Hekman points out that on Weber's view, universal laws reveal nothing about what social scientists really want to explain, viz., the significance of social phenomena. Ideal types, on the other hand, are designed to do just that (Hekman, 1999:72).

Pointing to two of the most significant aspects of Weber's work, Hekman (1999:73) notes that the ideal type was not defined as a new conceptual methodology but as an explication of social-scientific practice. Hekman goes on to suggest that Weber's aim was to explain what social scientists actually did, viz., probe the significance of

particular events. Such probing will involve a form of abstraction, which is designed to facilitate understanding social reality, but it is not the kind of abstraction involved in the formation of universal laws. Ideal types, unlike universal laws, are not rejected because contradictory cases are in evidence. Contradictions function only to reveal the irrelevance of the concept in relation to the problem at hand, not that it is erroneous or false. The meaningfulness of the ideal type rests on its ability to explain the phenomenon under investigation rather than its construal as a universal law. A further notable feature of this Weberian mode of analysis is the view that ideal types are subject to change which differentiates them from the concepts of a nomothetic science. Hekman (1999:73) writes:

> Because of the unique relationship between ideal types and the values of both the society they conceptualize and the investigators who employ them, they will not remain constant. If the goal of the social sciences is the elucidation of the meaning of cultural reality, then this will be facilitated by the use of concepts specific to that society, not by reference to a universal schema.

It is not that the changing nature of the ideal-typical analysis is an indication of the inferiority of social-scientific methodology. The ideal type is not an eternal unchanging platonic form, superior to the ultimate particulars of empirical situations; it is a useful and necessary instrument in the analysis of reality.

The Resolution of Differences

Hekman (1999:78, citing Weber, 1949:43, 94) notes that Weber justifies his examination of the ideal type on the grounds that he is not defining a new methodology

but is offering a description of what in fact social scientists actually do and she uses this proposal as a way to explore feminist ideal types. Hekman notes, that in just the same way that Weber sought to mediate between subjectivism with its denial of abstraction and generalization and nomothetic social science with its universalizations about social reality, so she aims to mediate between two similar but polarized positions in the contemporary feminist debate. Like the subjectivists, some feminist theorists have argued that we must avert concepts in feminist methodology and ground analysis in the "truth" of "women's lives," "women's reality," or "women's experience" (Hekman, 1999:78,79). Nowhere is there a more obvious appeal to subjective experience coupled with the view that any abstractions from women's reality are illegitimate and a concession to the distortions of masculinist social science. At the other pole, are feminist theorists who argue that we must search for the universals of the human condition in which to ground our empirical and normative research. The aim is to retain a notion of the "truth" of the social totality, arguing that we must retain at least a quasi-universalistic conception of human needs in order to ground the feminist project of theory-making. In Hekman's (1999:79) analysis of the ideal type, she discloses the epistemological fallacies in these positions and describes the situation thus:

> The ideal type counters the modern-day subjectivists by emphasizing that the object of the social scientist's investigation, the range from which she chooses her topic, is the set of meanings constituted by social actors. This effectively dispels the notion that we can and must ground feminist analysis in the pre-discursive reality of women's lives. Weber's concept emphasizes that this reality is already constituted by social actors, in this case women. His analysis further reveals that when the social analyst selects an aspect of that discursively constituted

reality to study, she must create a concept in order to do so; the feminist analyst must create the concept "women's experience" in order to study that aspect of social reality.

On this view, the general categories used within the context of feminist theorizing are retained as principles for evaluation or comparison, but they do not have the status of universal laws. Hekman (1999:70) writes:

> Against the modern-day universalists, Weber's theory is equally effective. Weber's theory does more than concede that all concepts are partial and perspectival; it explains precisely why this is the case and why no total view of social reality is neither possible nor desirable. His argument rests on the assertion that what we want to explain and understand as a social scientist is unique social phenomena, not the constitution of global totalities. Although it is possible to define extremely broad commonalities of human life (Peter Winch [1972] suggests birth, death and sexuality) these generalities will not produce the kind of analyses the social scientist requires. More can be gained by arguing against specific manifestations of need deprivation than by constructing a list of universal human needs.

Implications of the analysis

Given Hekman's (1999) approach to Weber, what are the implications of this Weberian type of theory? Does it appear to offer a resolution of differences in feminist social theory by offering a viable analysis of what is involved in concept formation for social theory making? Here, Hekman (1999:80) notes that the formation of the ideal type involves at least two distinct stages in the formation of concepts. Initially and more emphatically Weberian, the researcher oversees a range of social actors' concepts – concepts that constitute social reality. In the second place, the researcher chooses a

particular subset of these concepts according to her interest. To these stages of the research process, Hekman added a third stage, which requires the employment of the conceptual apparatus and methodological rules from within the social scientist's discipline. In these respects, the feminist theorist is *prima facie* is like any other theorist; however, when the theory is applied to feminist research some interesting and commendable features are evident.

Like any other researcher, the feminist conceptualizes her world with the concepts of the culture/language that she inhabits and this includes, in her case, her reality within a specifically women's realm. As she enters the social sciences it becomes evident that the dominant masculine discourse of the discipline – sociology, political science, history, anthropology and social work – did not offer a discourse with which to analyze the already discursively constituted realm of "women's experience." The inability to translate conceptualizations used in theory construction had the effect of rendering women's reality invisible. The impact was a "bifurcation of consciousness" which, in turn, motivated feminist thinkers to resolve the problem by attending to an epistemology which began with the creation of new analytic concepts that made women's experience identifiable and capable of conceptualization (Hekman, 1999:81). But these concepts and their analyses are not separate from the academic discipline; they fall within disciplinary boundaries and are open to analysis and evaluation by nonfeminist colleagues while their discovery and use often expands the scope of the discipline. For example, in the area of law, feminist efforts have changed the parameters of an existing ideal type. In this case, the concept of "rape" has been expanded to include "marital rape" or "date rape." Insofar

as the discipline of history includes "women's history" disciplinary boundaries have been stretched. In other cases ideal types are created where none existed before thereby bringing notions like "battered woman," "domestic violence" or "sexual harassment" under the purview of the law. Such usages are examples of the process by which ideal types are formed and how they change the definition of existing types and in some cases create new ones contributing significantly to the alteration of social structures.

In summary, Hekman's analysis is useful in enabling an understanding of the origins and the difficulties involved with initial concept formation in feminist social theory and, moreover, provides some explanation of the manner in which feminist ideal types have actually come to function in academic disciplines. This accords with the theory's aim to provide an understanding of actual social practice. Other features commend Hekman's analysis: her theory is a type of *via media* analysis in the sense that her view is not extremist and takes a middle course by acknowledging the importance of specific as well as general concepts. As well, Hekman appears to have provided a unique Weberian-type analysis that grounds a justification for a broad range of concepts. This justification is founded on three basic arguments: the political and value laden nature of all concepts, the partiality of concepts and the most important criterion: does the concept illuminate social reality? (Hekman: 1999:87). To note these in sequence consider, for example, that all the concepts deployed in feminist social theory necessarily include presuppositions that inevitably include a cultural valuation, i.e., concepts are value-laden. Indeed, all social-scientific concepts are "subjective" in this sense and feminist concepts do not have a unique status in this regard; that is, they are not "biased" in contrast to the

more "objective" concepts found in a social science pervaded by masculine discourse for the simple reason that all concepts are biased. All conceptualizations carry presuppositions which include valuation. Moreover, the concepts of feminist social theory, like all concepts in social science, do not capture the whole domain of knowledge which is to say they do not disclose the whole truth of social reality for the simple reason that no concepts make this claim. The concepts of feminist social theory in this regard do not differ from any other concepts utilized in social science research but they have performed an important critical function in that they seriously question the universalizability of general concepts in a discipline pervaded by masculine discourse. Indeed, the advent of feminist ideal types is a disclosure in the sense that they may expose the presuppositions of those "general" conceptualizations of a masculine discourse. Finally, feminist concepts are justified on the basis of an important criterion, viz., does the concept help us to *understand* social reality? A modern theorist oriented to epistemology will justify general concepts on the basis of their truth function where truth is understood as "correspondence to the facts;" if no counterexamples exist then the statement of that concept is true. Specific concepts, on the other hand, are justified in a weaker sense in that they are considered appropriate or right because they do not abstract from concrete brute facts, uninterpreted social reality. Hekman's Weberian-type analysis reveals the flaws in both these kinds of justifications. It is not the theorist's task to apprehend the totality of reality in a conceptual generalization rather the criterion is that of an ideal type which is not falsified by an exceptive instance but which loses its functional value if it fails as an analogue to illuminate social reality.

To engage in the formation of an ideal type by way of abstracting from reality is not an illegitimate method employed by social theorist; indeed, it is a strategic part of all discursive activity. Describing any experience, even the most simple or mundane, always involves concepts which are coded into the linguistic community. A theorist may be asked to elucidate and justify the concepts used in social theory, but the fact that they are abstracted from concrete reality does not by itself disqualify them. The view proposed by Hekman offers a viable view of justification and related epistemology that is applicable to feminist categories in a constructive and insightful way.

CHAPTER FOUR

Categories and Ideal Types

> *It is not the "actual" interconnections of "things" but the conceptual inter-connections of problems which define the scope of the various sciences. A new "science" emerges where new problems are pursued by new methods and truths are thereby discovered which open up significant points of view.*
>
> Max Weber (1949:68)

In Hekman's version of the theory of the ideal type, she proposes that her construction of a Weberian type of methodology offers a schema to understand and justify feminist categories. This method of justification maintains that all concepts meet a three-fold interconnected criterion: they are value-laden, partial and must enable an understanding or illumination of social reality. As Hekman argues, the three layers of justification will serve to justify both the general and specific concepts that feminists use and, will serve to guide the formulation of feminist ideal types that are capable of displacing the hegemony of white/Anglo-American feminist discourse and work to foster the constant negotiation of differences which is needed to avoid emphasizing differences without differentiation. In grounding her Weberian method of difference, Hekman (1999:83) has noted that feminist ideal types under the purview of the law have worked to radically improve the situation of women by criminalizing the activities of, for example, rape, sexual harassment, and domestic violence. However, the shift to a paradigm of differences has brought to light new problems from new perspectives and

requires that theorists develop a means for justifying the broad range of new categories now being used in recognition of the differences among women. Within this context, the category of "incarcerated Aboriginal women" has emerged as a more inclusive technique of difference, capable of explicitly recognizing differences while retaining the general analytical power of the gender analysis. Here, I want to examine how the category "incarcerated Aboriginal women" fares with specific reference to Hekman's three-fold method of justification.

In the spirit of Hekman's Weberian mode of justification as it relates to the category of "incarcerated Aboriginal women," I will apply and examine the first two criteria relating to value-laden and partial concepts. Here, I will examine the relation between values and partiality and propose that the category "incarcerated Aboriginal women" is suggestive of a distinct tension between differing values. Here, the identification of general values, as noted by some scholars[12], indicates conflicts that generate distorted understandings. Connected to the tension in values is the partial conceptualization which functions to actually obscure essential details in the relationship between Aboriginal peoples and the justice system. The impact of this value-laden and partial conceptualization of Aboriginal peoples in relation to the Canadian criminal justice system has, in turn, fostered an inaccurate and negative portrayal of "incarcerated Aboriginal women." In addition, I will examine the application of the third criterion of understanding in relation to the category of "incarcerated Aboriginal women." Here, attention is directed to Hekman *via media* method and the positive benefits, however limited, in using the category. Finally, I will address the critical difficulties and strategic

issues that provide a starting point in determining whether this conceptualization is capable of working to improve the material situation of Aboriginal women.

Applying the Criteria: Values and Partiality

As the first of three Weberian arguments for justification of categories, Hekman (1999:87) points to the fact that Weber persuasively argued that the nature of all concepts are necessarily value-laden. In this respect, the category "incarcerated Aboriginal women" suggests values reflecting certain tensions in the relationship between the ideal type and the values of both the culture it conceptualizes and the investigators who employ it. Tensions emerge when there is a failure to identify certain value structures as, for example, when the social investigator in the process of inquiry neglects the value accorded to the context of historic relations and the legacy of colonialism. Here, Professor Monture-Angus (2000:367) has pointed to the fact that "criminal justice experts (who tend to be non-Aboriginal people) minimize the historic relations between Aboriginal people and the state as a source of the problems that Aboriginal people presently face in the existing criminal justice system." The result is a faulty diagnosis which misses the source of the problem. According to Professor Monture-Angus (2000:377), this situation is especially troubling:

> Economic disadvantage, underemployment, substance abuse, and other factors that are used to explain Aboriginal overinvolvement are not the sources of the problem but symptoms of the problem of a society that is structured on discriminatory values, beliefs, and practices that are then applied without consent to Aboriginal nations.

Although feminist social theorists are not prone to claim an "expert" status, the voice of white/Anglo feminist scholars does tend to dominate discourse concerning the lives of Aboriginal women involved in the Canadian criminal justice system. In neglecting to interrogate the differences between Aboriginal and white/Anglo values, systems of knowledge, beliefs and cultural practices, the values embodied within the ideal type are reflective of not only the values of the investigators but also the values of the disciplinary matrix that tends to mirror the values of the lager society (Monture-Angus, 2000: 362, 380; LaRocque, 1996). The problem is not that all concepts are value-laden but the values reflected in the ideal type of "incarcerated Aboriginal women" are neither reflective of the values of the social actors or the values of Indigenous women's culture. Without reflecting the valuation of holistic understandings, integrative, relational and interdependent conceptualizations of identity that are *eo ipso* Aboriginal (Bastien, 1996; Royal Commission on Aboriginal People, 1996: 40-47; Ross, 1992), the alienating distinctions between the theorizers and those theorized functions to replicate the relations between the colonizer and the colonized (Monture-Angus, 2000; LaRocque, 1996; Lugones and Spelman, 1988). In this way, it then becomes all too evident just how the utilization of value-laden concepts creates tensions and distorts understandings.

The second of three criteria offered for the justification of feminist categories is that of partiality: all feminist categories are partial concepts. As Hekman (1999:87) states: "they do not reveal the truth of social reality in its totality, because no concepts are able to do this." While all concepts are necessarily selective, partial conceptualizations are subtly so since they assume a dual function in the sense that they both include and

preclude. Often it is the precluded matter that is important and valuable; the partiality of conceptualizing "incarcerated Aboriginal women" is made apparent in that the values used to construct the category itself are primarily reflective of the values of white/Anglo culture. Here, the selectivity of the category obscures the role and impact of the vestiges of colonialism inherent in the conflictive involvement between Aboriginal peoples and the Canadian criminal justice system; inequitable relations in which Aboriginal peoples are typically faulted as individual failures (Monture-Angus, 2000: 363). In a conflictive situation in which one party bears the onus of fault, there emerges a tendency to interpret the situation as a problem requiring explanation. Indeed, as McCaskill (1983:289) notes, the problem has assumed the status of a phenomenon susceptible to a "conventional explanation:"

> The conventional explanation for this phenomenon views native offenders as members of a pathological community characterized by extensive social and personal problems. The focus is inevitably on the individual offenders. They are seen as simply being unable to adjust successfully to the rigors of contemporary society. They are part of a larger "Indian problem" for which various social service agencies have been created to help Indians meet the standards of the dominant society. The long range goal is that, in time, with sufficient help, Indians will lose most of their culture, adopt the values of the larger society, become upwardly mobile, and be incorporated into mainstream society. In short, Indians will assimilate.

The maladjustment that occurs in the assimilation from a pathological community to a mainstream society is a form of explanation that directs attention away from the presence of the other entity in the conflict which requires explanation as well, viz., the legal system itself. Indeed, the general category of "incarcerated Aboriginal man/woman/youth" tends

to promote a picture that is not only partial but subtly and successfully functions to conceal any allusion to the systemic and individual discrimination that Aboriginal peoples experience within Canadian prisons, a phenomena which generates a highly prejudicial justice system. As Hamilton and Sinclair (1991: 103) stated: "There is something inherently wrong with a system that takes such harsh measures against an identifiable minority. It is also improbable that systemic discrimination has not played a major role in bringing this state of affairs into being." The details of this form of discrimination are clearly identified and bluntly stated in the opening segment of *The Aboriginal Justice Inquiry of Manitoba* (Hamilton and Sinclair, 1991:1):

> The justice system has failed Manitoba's Aboriginal people on a massive scale. It has been insensitive and inaccessible, and has arrested and imprisoned Aboriginal people in grossly disproportionate numbers. Aboriginal people who are arrested are more likely than non-Aboriginal people to be denied bail, spend more time in pre-trial detention and spend less time with their lawyers, and, if convicted, are more likely to be incarcerated. It is not merely that the justice system has failed Aboriginal people; justice also has been denied them. For more than a century the rights of Aboriginal people have been ignored and eroded.

It is suggestive that this partial conceptualization of "incarcerated Aboriginal women" also occurs at a statistical level, a fact not neglected by the informed social researcher. Here, the constant flagging of negative statistical data conjoined with the rigid conceptualization of the group's identity functions to reinforce the already extremely painful "insider/outsider" distinction that many Aboriginal women experience within the dominant white/Anglo culture. While it may be that "The women in prison are in very many way no different from the rest of us: they are daughters, sisters, girlfriends,

wives and mothers" (Comack, 1996:20), the constant flagging of negative statistical and experiential data of "incarcerated Aboriginal women" tends to tell us a very different story. Already marginalized within the dominant white/Anglo culture, "incarcerated Aboriginal women" have also been radically distinguished from every other group of women in Canadian prisons. As statistical data has repeatedly revealed, Aboriginal women represent the majority of women, at any given time, incarcerated in Canadian prisons, and are more likely than non-Aboriginal women to be imprisoned for violent crimes; have less education, lower socioeconomic status, are more likely to engage in self-injurious behavior, are at higher risk for suicide, and most likely to have substance abuse problems/addictions, histories of sexual abuse, rape and domestic violence. These and many more statistical insights have been well documented and discussed (for example, La Prairie, 1989,1990, 1993; Grossmann, 1992; Correctional Service of Canada, 1990; Sugar and Fox, 1989).

Hekman is accurate to indicate that partial concepts do not reveal the whole of social truth since no concept is able to do that. While it is the case that a partial concept is incomplete thereby necessarily excludes material, the fact is that some of the matters omitted, as noted above, are socially and psychologically strategic for the understanding of social phenomena, a matter which Hekman believed was of the utmost importance for the role of the ideal type. But what accounts for this lack of understanding? While feminist scholars appear to have followed the well-established tradition of carefully counting, analyzing and theorizing about "incarcerated Aboriginal women," a consistently bleak "picture" has emerged: Aboriginal women are over-represented in the

Canadian criminal justice system to a much greater extent than Aboriginal men. However, the statistical evidence pointing to the disproportionate representation of Aboriginal women within the criminal justice system has not driven a successful analysis, which functions to provide a complete understanding of the experiential forces, and factors that have brought Aboriginal women to this situation. While it is a positive feature that feminist theorists have made a concerted effort to avoid false universalisms and homogeneous totalisms, it is also suggestive that the repetitive flagging of statistical and experiential data surrounding "incarcerated Aboriginal women" has contributed to the development of a partial and primarily negative ideal type. Inattentive to the differences within the category, "incarcerated Aboriginal women" have been constructed as Other, solidifying the rigid separation between "criminal" and "law abiding" women and manufacturing an artificial uniformity within the diversity of "incarcerated Aboriginal women's" lives. Here, it is not the fact that feminist categories are partial concepts or that they cannot reveal the whole truth about the reality of Aboriginal women's lives. The problem seems to lie in the fact that the very partiality of the ideal type has fostered a negative picture of "incarcerated Aboriginal women" and further obscured the latent forces of individual and systemic racism within those institutions impacting on their lives.

Applying the Criterion: Understanding

The third and most important factor for justification claims that concepts must be justified "on the basis of a single over-ridding criterion: does the category help us

understand social reality?" Or the synonymous query, "Does the concept illuminate social reality?" (Hekman, 1999:87). Following a *via media* approach to her Weberian-type justification, Hekman's remarks are framed in response to a form of social theorizing which seeks an all-inclusive apprehension of reality in a single conceptual generalization. According to Hekman (1999:87), social reality cannot be grasped in its totality; "getting it right" cannot be the sole criterion by which to judge concepts. Concepts are not rejected simply because counterexamples exist. They are false if they fail to illuminate or enable us to understand reality. But how does this criterion fare with the category, "incarcerated Aboriginal Women?"

As a method of building social theory, the application of Hekman's Weberian criterion to the category of "incarcerated Aboriginal women" reveals what is best referred to as a *via media* approach, which seeks to determine the medium or middle ground between the extremes of the gender/difference debate represented by the use of general and specific feminist categories. Following Hekman's Weberian method of justification, if we seek to judge general categories on the basis of whether counterexamples exist, general categories such as "woman" would fail. This was certainly the logic used to point to the falsity of the "woman's voice" that purported to offer truths about *all* women. But if theorists seek to justify general categories on the basis of whether they illuminate social reality, Hekman (1999:88) argues that many would "pass muster." This view aligns with Bordo's (1990) statements indicating that early gender theorists illuminated realties hitherto unimagined and that the analytic force of the category is still apparent today. As a general concept, the importance of gender and its ability to illuminate the lives of

women involved within the criminal justice system is also clearly stated by Comack (1999), who maintains that "Gender is not a tangential – but a fundamental – element of the criminological project, and for that reason merits a central place in the discipline."

Given this understanding, it would be reasonable to suppose that many would hold that the category of "incarcerated Aboriginal women" has provided a better understanding of the reality facing far too many Aboriginal women in Canada and, with gender working in conjunction with multiple axes of identity, the category has made visible an aspect of our social reality that was once invisible. As the system of incarceration is widely recognized to be a system designed by men, for men and about men, the lives and experiences of Aboriginal women imprisoned within Canadian correctional institutions were excluded and devalued, like all incarcerated women. Marginalized and silenced within the mainstream feminist movement, the realities facing Aboriginal women in Canadian prisons has only recently begun to garner popular attention thanks to the combined efforts of feminist theorists, Aboriginal scholars and social activists. Once "an afterthought of an afterthought" (Monture-Angus, 2000:372), it is reasonable to suppose that the ideal type has served to illuminate the activities, experiences and perspectives of Aboriginal women.

While the Weberian criterion of illumination serves to mediate between those eschewing all general categories and those seeking to establish universal "truths" about women's lives, Hekman (1999:88) notes that: "We need to constantly negotiate these differences using the criterion of understanding to make what are admittedly difficult

decisions regarding the utility of concepts." Here, it appears that the multiple

intersections of differences among women have created a slightly problematic situation

for the *via media* approach. On one level, the theoretical limitations of the traditional

gender analysis, as exposed by Black feminists, women from developing nations and

Indigenous women, led to the critical awareness of the need to develop theories inclusive

of difference. At the same time, theorists warned of fostering differences without

differentiation. While Hekman (1999:88) notes that attending to differences has been a

necessary and corrective element in feminist theory, differences can also be over

extended, expanded inappropriately or trivialized. Here, the criterion of understanding is

designed to adjudicate the concept's utility in illuminating social reality. But is this so in

the case of "incarcerated Aboriginal women?"

On a general level, the application of Hekman's Weberian method of justification

with the criterion of understanding raises points of critical concerns. The first pertains to

the interlocking nature of the criterion which functions to place constraints on our

understanding of the category "incarcerated Aboriginal women." Here, if the arguments

about the criteria of value and partiality are acceptable as presented, then value-laden

concepts are necessarily selective while partial conceptualizations function to reinforce

selectivity by precluding valuable materials. Inevitably, this results in delimiting the

scope and nature of our understanding of the category. The second critical area of

concern relates to the manner in which the criterion of understanding has been

formulated. As Hekman (1999:88) has stated, she is using the criterion to address the

problem of differences: "We need to constantly negotiate these differences using the

criterion of understanding to make what are admittedly difficult decisions regarding the utility of concepts." Here, it is likely that the appeal to understanding is an appeal to some form of rationality but this has not been clarified. In addition, there are other questions concerning the criterion of understanding. First, does the constant negotiation of differences and the determination of a particular concept's utility not, in fact, involve two criteria: one to negotiate differences and a criterion to adjudicate utility? Second, whose knowledge determines the utility of a concept and how is it decided when an adequate understanding has been achieved? These unresolved questions seem to indicate a certain vagueness in the application of the criterion of understanding in relation to the category "incarcerated Aboriginal women." We might also ask, how can one convince others that the analysis proposed does in fact illuminate social reality? If the goal of feminist theorizing is to relieve the oppression of women, then there appear to be important limitations on the ability of the category "incarcerated Aboriginal women" to do so.

It is not that Hekman's Weberian methodology of justification fails in light of these difficult questions or fails because it does not provide a symmetrical formula to resolve the epistemological and methodological questions plaguing contemporary feminist theorists. In many ways, her *via media* approach offers a way of talking and thinking and theorizing about differences without positioning ourselves within the frequently adversarial and uneasy extremes of gender/difference debate in feminist theory. When Hekman's analysis within the Weberian spirit of justification finds specific application to the category "incarcerated Aboriginal women," there are some interesting results. By highlighting the fact all feminist concepts are political, partial, and chosen

according to the interests of the researcher, the application of the three-fold criterion evokes critical insights, which implicitly draws attention to the values and interests of the researcher *in relation* to social actors. Here, if the ideal type truly functions to illuminate social reality, it will function as a "yardstick" by which reality can be compared. The comparison that the ideal type facilitates is between the social investigators and social actors. It would be in order to expect that researcher would have some understanding of the concepts used by the social actors. That is, some understanding of the vestiges of colonialism at work in the modern day forces of racism and systemic discrimination that Aboriginal women experience within the context of their involvement with the Canadian criminal justice system.

While much of the gender/difference debate has focused on theory and method, talk about justification appears to offer beginning understandings of what feminist theorists do and how they formulate ideal types. Applying Hekman's method of justification across cultures also appears to offer a forum to begin talking about the extra-theoretical ethnocentric politics of exclusion within the category of "incarcerated Aboriginal women." These insights are invaluable. As Hekman (199:86) notes, new ideal types cannot be conceptualized and created until feminist theorists understand the full implications of the ones being used. And we need new ideal types to talk about Aboriginal women involved within the Canadian criminal justice system – ideal types that we can argue are valid because they really do illuminate the situation of Aboriginal women in ways that would not only improve their material situation but yield a better world.

Conclusion

In this thesis, I have outlined the tensions and arguments presented in the context of the gender/difference within feminist theory. Here, one aspect of my critique has focused on the concerns and tensions expressed by women of color whose experiences, activities and perspectives had been excluded in the of unitary theories of gender constructed primarily around the lives of white-middle class women. I have also surveyed the technique of synthesis which seeks to balance the two extremes in the controversy surrounding the feminist methodology: between those who argue for the necessity of universal concepts based on the monolithic category of gender and those who eschew any universal concepts or generalizations. As a form of pragmatic theorizing, I have developed an account of how the strategy of gender working in conjunction with multiple axes of identity has impacted upon feminist criminologists theorizing about a situation of the utmost social and political importance: the lives of Aboriginal women incarcerated in Canadian prisons. I have suggested that in order to understand and justify the truth claims advanced from the category "incarcerated Aboriginal women," feminist theorists might benefit from an analysis of Susan Hekman's work and her Weberian method of justification. In light of the serious concerns raised in the application of her Weberian mode of justification in relation to the category "incarcerated Aboriginal women," it is suggestive that Hekman's via media technique of justification offers insight into at least three ways in which social policy analysts can rectify their analyses and policy-makers can improve the strategies needed to address the situation facing Aboriginal women involved within the Canadian criminal justice system.

First, and working from a general perspective, Hekman's *via media* strategy functions to displace the enduring hierarchical and artificial dualities that have characterized much of the Western intellectual tradition. In mapping out a middle ground, Hekman's *via media* approach defies constructing an "either/or" framework in which we tend to situate the polarized extremes of the gender/difference debate into dominate/subordinate positions. As a method capable of acknowledging the importance of both gender and specific concepts, Hekman's *via media* analysis offers a more inclusive thereby more comprehensive method of understanding and justifying the categories that feminist theorist employ. Within the context of general social policy analyses and the development of social policies, a *via media* approach to a given social issue under deliberation offers the opportunity to challenge the dichotomies of traditional thinking. In doing so, there emerges the opportunity to develop social policies, programs and practices that are not only more inclusive but also draw attention to the power relations which function to sustain societal inequalities. For example, efforts to break the entrenched binary opposition of public (political and economic) and private (domestic and personal) has altered the assumption that the male-headed household is the appropriate unit of analysis. By challenging the public/private dichotomy, theorists have revealed the inequalities and injustices facing women in terms of access to resources and power based on the artificial distinction between paid and unpaid work. As a strategy used to challenge the traditional dichotomy between the public and domestic spheres, the *via media* analysis has worked to make visible the critical importance of women's

domestic work and has functioned to extend a greater measure of justice to women by, for example, ensuring relief from abuse and improving exit options by the acquisition of capital.

Second, and following from the above, the specific criticisms surrounding the application of the via media strategy in relation to the category of "incarcerated Aboriginal women" poignantly captures the importance of authentically challenging the insider/outsider dichotomy that has implicitly structured mainstream Western theorizing about race. Specifically, recognizing and challenging the extra-theoretical ethnocentric and hierarchical politics of exclusion that covertly functions within the essentialist conceptualization of group difference. By reducing the recognition of group difference to an internal unity of identity, Young (2000:88) argues that the fluidity of social relations is frozen and the rigid border around the group fosters the politics of difference which functions to fragment and divide us, encouraging disagreement and conflict. In the case of "incarcerated Aboriginal women" we might begin to develop more comprehensive policies and programs and practices by first asking ourselves if the struggle for recognition is in fact a struggle for identity or, a demand for justice, equal access to services, improved opportunities and inclusion in a democratic process.

Finally, the criticisms raised in the application of Hekman's Weberian method of justification as it relates to the category of "incarcerated Aboriginal women" suggests that social theorists working across cultures learn how to language our world in a respectful and thereby illuminating manner. While I am not positing a distinct formula or an exact

blueprint for the respectful and illuminating construction of categories, the value-laden nature of feminist categories indicates a starting point. Here, respectfully languaging the world of Aboriginal women who are incarcerated within Canadian prisons involves undertaking the construction of categories which reflect the values of both the informed social researcher and those being theorized about. The more inclusive the category, the more likely its ability to truly illuminate the lives of those being theorized about. Moreover, the expansion of categories to include the cultural values of Aboriginal women also presents the opportunity to more accurately locate the structural inequalities perpetuated in a extremely discriminatory society and a highly prejudicial justice system. By working to include more than the values of white/Anglo culture, social policy analysts and policy-makers are afforded the opportunity to begin more respectful and thereby illuminating theorizing. This, in turn, creates the likelihood of improving the design of and access to the policies programs and services needed to authentically respond to the situation facing far too many Aboriginal women.

In the foregoing summary, the general benefits of Hekman's *via media* approach illustrates one technique whereby social policy analysts and policy-makers might begin to challenge dichotomies in order to offer a more inclusive method of theorizing and policy-making. In specifically examining the category "incarcerated Aboriginal women", the utility of Hekman's *via media* approach to justification has revealed criticisms pointing to the profound need to create a more comprehensive ideal type – one that can reveal the painful oppressions that we must work to eradicate. As Weber argues, a new science will emerge by examining new problems from new perspectives. While feminist theorists

have accomplished the first step by making visible the activities, experiences and perspectives of Aboriginal women who are imprisoned in Canadian correctional institutions, the next step requires that feminist begin to create new ideal types with the emancipatory power to produce profound social change. To do this, I have suggested that Hekman's analysis of difference and her method of justifying feminist concepts works to provide the needed understanding of and justification for the concepts feminist theorist employ. While the application of Hekman's Weberian method of justification does not lend easily to its application across cultures, the difficult criticisms raised suggest that formula of justification would also benefit from the additional element of imagination – the informed intellectual creativity needed to "see" the world differently, conceptualizing the world through concepts that truly illuminate the lives of *all* women.

NOTES

1 In Hekman's view, the formulation of a Weberian-type method of justification enables understanding and justifying both general and specific feminist categories. This method of justification requires that all categories meet a three-fold interconnected criterion: they are value-laden, partial and must enable an understanding of social reality. Hekman's Weberian method of justification is outline in Chapter 3 and pages 68-69.

2 According to Kuhn, scientific practice is divided into two phases, called normal science and revolutionary science. During normal science, the dominant paradigm is neither questioned nor seriously tested. Members of the discipline work within a paradigm (the set of accepted beliefs) and employ the paradigm as a tool for solving outstanding problems. Occasionally, the community will encounter especially resistant problems, or anomalies. Only as the anomalies accumulate will the community pass into a state of crisis, which may push it into the phase of revolutionary science. During this period of revolutionary science, the scientific community actively debates the underlying principles of the dominant paradigm and its rivals. Thus, the business-as-usual of routine problem solving is suspended until a new paradigm (or perhaps the old one) establishes dominance (Kuhn,1962:85)

3 The quotation from Martin (1994:637) is accurate though there appears to be a grammatical confusion of singular and plural forms.

4 The "Second wave" of the North American feminist movement arose during the 1960's and is often characterized by the demand for the "woman's voice" and an emphasis on a social-political connection in the slogan "the personal is political." During this time, the force of feminist social action brought about no-fault divorce (1969), and established the first abortion clinics, battered women's shelters and rape crisis centers. Languishing since 1923, feminist efforts also secured the passage of the ERA in 1972. Considered to be the cornerstone of the second wave feminist movement, the publication of The *Feminist Mystique* by Betty Friedan in 1963 popularized the idea of a common bond of oppression among *all* women based on the experiences of predominately white, middle class, educated American women. In contrast, the "first wave" of the feminist movement was characterized by the ideals of liberty and equality for all women and extends from the classic historical work of, for example, Mary Wollstonecraft's "A Vindication of the Rights of Women", written in 1792 and Sojourner Truth's (1851), "Ain't I a Woman?" The period is characterized by Elizabeth Candy Stanton's appeal to the New York State Legislature in 1854 for female suffrage, the Married Women's Property Act, 1860 and John Stuart Mill's powerful argument for women's full social equality in "The Subjection of Women" (1869). Each of these writers sought to apply the inalienable rights of individual liberty, equality and fairness to women – granting women the same legal rights as men: to seek education, employment, to own property and to vote. See Daly and Chesney-Lind (1988:497) for a similar critique.

5 For an overview of the work by Lombroso and Ferrero, W.I. Thomas and Otto Pollack, see Comack (2000), DeKeseredy (2000) and Boritch (1997). For feminist critiques of biological determinism, see, for example, Smart (1976), Jocelynne Scutt (1978), Heidensohn (1985), Allison Morris (1987) and Brown (1990).

6 In "Counting Crime" by Evans and Himelfarb (2000:70), the 'dark figure of crime' refers to the amount of crime that is unreported or unknown. Rice's comment concerning Black women as "the other dark figure of crime" concerns white feminist criminologist's conspicuous and exclusionary silence surrounding the activities, experiences and perspectives of Black women and women from developing countries.

7 I have borrowed this statement from *Democracy on Trial* by Jean Bethke Elshtain (1995:75), who states: "If you are black and I am white, by definition I do not and cannot in principle "get it." There is no way that we can negotiate the space between our given differences."

8 The "One-Day Snapshot" survey was conducted on Saturday, October 5th, 1996 and data describes all inmates who were "on-register" in federal and provincial/territorial prisons as of midnight on the day of the survey. "The 'on-register' population refers to the number of inmates who have been placed in a facility to serve their sentence" (Finn, Trevethan, Carrière and Kowalski, 1999:2).

9 In *Erotic Welfare* (1992), Linda Singer formulates the idea of a feminist philosopher as a "Bandita, an intellectual outlaw who raids the texts of male philosophers and steals from them what she finds pretty or useful, leaving the rest behind" (cited in Young, 1994: 723).

10 Here, Hekman makes reference to the work of Bologh (1990:1), who notes that while the breath and depth of Weber's social and political thought has rarely been surpassed, his voice is "masculine, masculinist and patriarchal." She states: "Masculine, because it unself-consciously expresses idea(l)s and values that are associated with masculinity; maculinist, because it self-consciously champions these values and denigrates or ignores others considered feminine; patriarchal, because many of its ideal(l)s and values assume and require a social order in which women and women's ways continue to be dominated, repressed and defined by subordination to men and men's ways."

11 In *The Methodology of the Social Sciences* (1949:72), Weber states: "The type of social science in which we are interested is an *empirical science* of concrete *reality* (Wirklichkeitswissenschaft). Our aim is the understanding of the characteristic uniqueness of the reality in which we move."

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