

**17<sup>th</sup> Annual Martin Tansey Memorial Lecture - the Jury Room, Criminal Courts of Justice (CCJ), Parkgate Street, Dublin 8, D08 K6YH.**

**Women and the Criminal Justice System: Gender Matters – Maggie O’Neill**

**Summary**

This lecture draws upon a long history of research with women who come into conflict with the law, who engage with the criminal justice system as victims, offenders or both. In keeping with the work of Martin Tansey, the values that underpin the Association for Criminal Justice Research and Development (ACJRD) and independent criminal justice research, I want to highlight the usefulness of interdisciplinarity and creative methods for centring the narratives of women and in doing so facilitate pathways to better knowledge and understanding, education, reintegration and social justice. In doing so I call for more participatory and creative research from our research institutions that seeks to make a difference not only by listening, but by paying attention to and working with criminal justice involved women, and the agencies gathered here today, towards transformative social change and justice for women.

**Introduction**

Thankyou for inviting me to speak, it is a real privilege to be here with you all. Before I focus upon the benefits, challenges and potential impact of using creative and participatory methods for doing research with justice involved women, I want to briefly situate myself in the criminal justice landscape and then share the long history of research sociologists and criminologists in particular have conducted on women, crime and justice, in order to outline what I call a *feminist criminological imagination* in this historical context.

I understand feminism as the theory and practice of addressing sexual and social inequalities that has social justice at the centre. For bell hooks in a lovely short book called ‘*feminism is for everybody*’ she tells us that we should all be feminists given that feminism seeks “to end sexism, sexist exploitation, and oppression.”

Over the last 3 decades my criminological research has focused on working with marginalised groups, sex workers, victims and survivors of gender based violence, migrant women and girls, people forced to flee – caught in the asylum migration nexus, unaccompanied young people seeking asylum, children and young people in Direct provision, young people involved in offending, and people incarcerated in prisons.

Criminology is frequently understood as the study of crime and criminal justice and its methods those of conventional social science such as surveys and in depth interviews and focus groups. In *Imaginative Criminology* with Lizzie Seal and in previous work I argue that we also need more creative, cultural and phenomenological methodologies – creative applications of research that engage with lived lives, cultures and communities in order to promote social justice, using participatory action research, socially engaged, participatory arts and biographical methodologies (Seal and O’Neill 2021, O’Neill and Seal 2012, O’Neill 2016, O’Neill 2010, O’Neill 2004).

For example, the walking interview as biographical research was inspired by artists who use walking in their practice (O’Neill and Hubbard 2010, O’Neill and Roberts 2019 and a walking biographical interview with criminologist David Honeywell (2016) not only helped David and myself to understand David’s desistance journey but it also led to pedagogical

walks used on the BA Criminology curriculum to introduce students to theories and concepts of criminology and agencies of the criminal justice system (O'Neill et al 2020, Swirak et al 2023) <sup>1</sup>. The walk has been extended to David's University, Arden University in Manchester. A now fourteen year collaboration with Catrina McHugh MBE and Open Clasp Theatre, who work with women involved in the criminal justice system as victims/survivors or both, has led to walking and theatre based methods to seek and promote justice for women who were homeless, have been incarcerated in prison, who experienced gender based violence and coercive control. I will focus on the latter example in the final section of this paper.

My research has predominantly taken place by working across the disciplines of sociology and criminology with key stakeholders and justice involved people as key partners in the research, in order to challenge and change sexual and social inequalities and promote human flourishing. This includes, in recent Environmental Protection Agency research led by Ian Hughes and Ed Byrne, a project focused on creating deep institutional change in our institutions, and dismantling violent dominant hierarchies. This talk is organised into three sections. 'Foundational work of Martin Tansey and Gerry McNally'; 'Women in the Criminal Justice system' and 'Gender Matters: Feminist Criminological Imagination' an approach to working together, that I define as actioning a feminist cultural criminological imagination.

### **1. Foundational Work of Martin Tansey, Gerry McNally and ACRD**

There are three key aspects of this cultural criminological research that connect with what I know about Martin Tansey, Gerry McNally and ACJRD ethos and values: i) deep empirical research grounded in critical thinking/critical theory to understand and analyse social issues or social problems or social complexities, ii) deep understanding of lived experience accessed through ethnographic, participatory and biographical methods, *so that we may understand the relationship between lived experiences and broader social and cultural structures, processes and practices* and this, for C. Wright Mills, was the basis for the sociological imagination. For, 'neither the life of an individual nor the history of a society can be understood without understanding both' (Mills, 1970:3) that we are able 'to grasp history and biography and the relations between the two within society' (Mills 1970: 6). This in turn gives rise to iii) purposeful knowledge, what we might call praxis, knowledge that is policy relevant, that might intervene in order to create change. That we put the *knowledge* we create in the service of *re-imagining* and working towards *enacting* alternative social futures, in ways that are more caring, inclusive and sustainable – underpinned by principles of fairness and justice.

How might we do this? By working together in partnership across sociology and criminology departments and with the agencies present here and ACJRD. I will share two examples of *participatory imaginative criminology* with you in the final section of the lecture that operationalise these three key aspects - but first I want to mention Gerry McNally 45 years' service in the Irish Probation service, starting in 1978 and his lifetimes experience of working with criminal justice involved people as a probation officer. Gerry's recent interview (O'Connor 2024) in the *journal.ie* is very instructive in relation to these three points above<sup>2</sup>.

Gerry mentions the importance of *partnership* working to reduce offending, create safer and fairer communities and fewer victims through offender rehabilitation; and crucial to this is

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<sup>1</sup> See also Katharina Swirak's wonderful research with former prisoners in Cork and the Clean Slate project. <https://www.cleanslatecork.com/> (last accessed 26<sup>th</sup> May 2024).

<sup>2</sup> Like Gerry and Martin, I also started out in teaching and gravitated to teaching and research in the university for social change as Martin & Gerry gravitated to a career in Probation.

*facilitating positive change*. This he states is at the core of the work of the Probation service, working “with people in the criminal justice system not as individuals to isolate but as people to be included in communities”.

“Your purpose as a probation officer is about helping people change their behaviour—that’s the focus. So you are actually working for the betterment of the community and the betterment of the individual.”(McNally in O’Connor 2024:np).

Gerry references *the importance of critical thinking*, that we should not just follow routines, patterns or programs/ ideologies but constantly be critically reflecting on what we do, how and why we do it, and asking are there better ways? As an example Gerry talks about the routines we fall into, for example, through years of working in institutions, such as the probation, prison and university systems, and he shares that it took him a number of years to stop approaching cases in an institutionalised way and that “the core business of probation is in the community -its about being enmeshed in the community about being part of the community.” The core business is also about *changing lives*, showing people there is a different way to live, giving hope and showing alternative routes or pathways supporting people and providing the tools to achieve and live a different ‘decent’ life (see McNally in O’Connor 2024:np)..

In summary Gerry’s points here connect with Martin Tansey’s life’s work and my earlier point: 1) the vital importance of critical thinking and thinking otherwise; 2) the vital importance of engaging in lived lives in the context of institutions, environments and communities; 3) making interventions for social change, by imagining and enacting alternative pathways in caring, inclusive and sustainable ways, for our collective social futures.

I want to use this framing to organise the rest of my talk and following feminist criminologist Pat Carlen (1983, 1988, 2010) this connects with an ontological belief about our social worlds that things can be different; that the task of criminology/social science is to account for social phenomena as well as to count them; and that part of our task is to investigate crime, law breaking, social responses and to ‘imagine the ‘conditions;’ for them being otherwise’ (Carlen 2010:1). Hence we need imaginative criminology’s that are participatory, connected to communities and that work with people, where they are at.

In Gerry’s article for the journal he shares the following statistics. Men make up 84% of offenders and women 16%. Of these 92% are adults and 8% young people under 18. Top offences in order are drug offences, assault, petty theft, public order, road traffic and burglary. Statistics from September 2023 (IPRT) tell us there are 4,612 people in custody in Ireland around 4% are women.

## **What then do we know about women in the CJS?**

### **2.Women in the CJS**

The research evidence shows us that women are prosecuted for summary offences, do not offend as much or as seriously as men, women’s criminal careers are shorter, and women are less likely to have a co-offender (Gelsthorpe, 2004; Quinlan, 2015). We know that poverty, trauma, childhood trauma, violence and abuse, poor mental health and addictions play a part in their life stories; that many are mothers and their pathways into crime are about economic

need, coercive control, chaotic lives, as well as difficult relationships with men -coercion and control (McHugh 2013, Quinlan 2015, O'Neill in Windle et al 2022, O'Neill and Gibson-Feinblum 2024, Baldwin 2023, Lynch and Seaman 2022, Grace et al 2022).

We know that a large number of committals are for non-violent offences and the majority of women are detained on short-term sentences (IPRT, no date, McHugh 2013, Quinlan 2015, O'Neill in Windle et al 2022, Gibson-Feinblum and O'Neill 2024). Women are a minority of the prison population, and housed in prisons designed for men. In Ireland, women make up around 3.8% of the prison population and are located in two female prisons: the Mountjoy Dóchas Centre and until the recent opening of the new women's prison in Limerick, a female wing in Limerick Prison. In England and Wales, similarly women in prison make up a minority, around 4% "yet acts of self-harm are around five times more common among incarcerated women" (Walker 2022:87).

The Irish Penal Reform Trust (IPRT, no date) report that since 2011 the rate of female prison committals continues to rise higher than for men. 10% of female committals are for non-payment of fines, which is more than double that of men (see also Quinlan, 2015). The average number of females in custody in 2022 was 173, a 17% increase from the 2021 average of 144. The daily average number of female offenders in custody rose by 14% in the ten-year period between 2012 and 2022. Committals under immigration increased to 117 in 2022 after a decrease of 65.2% to 86 in 2021, from 247 in 2020. A growing concern is immigration-related committals.

The IPRT have expressed serious concerns over prison overcrowding for women in both Limerick and the Dóchas Centre, and remain focused upon working towards policy changes that offer alternatives to detention and imprisonment, including open-prison. Supported by independent research the IPRT highlight the profound impact of imprisonment on women and their families as well as the economic and social costs to society.

Despite evidence that short sentences profoundly disrupt women's and their families' lives, there is a lack of viable alternatives. It is impossible to not recognise that there are many missed opportunities to offer support. As pointed out by Baldwin, Elwood and Brown (2022), women could and should be supported at any number of points on their journey to prison - as a child and as an adult - instead, women are more often than not judged on their failures in their prescribed social roles. (Gibson-Feinblum and O'Neill 2024:np)

Having been abused by her partner and forced to move 'things' for him, Mary was caught taking drugs into the prison. Out of fear of being murdered, Mary, who was pregnant with her second child, pleaded guilty. Despite mothering through adversity, she came under scrutiny when the judge said, 'What kind of mother are you?' and told her that having her son put into care was his best chance of having a 'stable life' (Baldwin, Elwood and Brown, 2022: 113).

Lucy's story of breaking the cycle was a "mentally draining rollercoaster". She had been through therapy, treatment centres, working with probation services and AA meetings but was consistently challenged and stuck in a cycle of relapsing, getting arrested, appearing in court, getting sentenced then released on either temporary release or community support scheme.

Trying to pick myself back up again, trying to function with daily life signing on everyday with the gardai, going to limerick every week to sign on, attending meetings associated with staying out of prison in the city center while needing to use public transport and inevitably meeting old acquaintances -while trying to stay away from people places and things to stay sober and also trying to meet my family's needs - eventually getting completely overwhelmed and the cycle slowly starts again with relapse etc. (Personal communication with Lucy, 2024)

As a project support worker said to Gibson-Feinblom and O'Neill 'there is no creche attached to AA meetings'<sup>3</sup>.

### *Criminological Literature*

In the criminological literature women's voices and experiences are often silenced or forgotten in debates about the criminal justice system with relatively little attention paid to the voices and experiences of women caught up in the CJS as suspects, defendants prisoners and victims. Traditionally research has been undertaken *on* rather than *with* women.

The early criminological literature about women and crime is largely about men, in that criminological theory and practice was written and practiced by men and focused on the crimes of men. The ideas and concepts were then used to explain the crimes and deviance, or 'double deviance' of women. Many of the early feminist criminologists, such as Freda Adler (1975), Carol Smart (1976), Frances Heidensohn (1985), Kathleen Daly and Meda Chesney-Lind (1988) Pat Carlen (1983) and Betsy Stanko (2013) counter the assumption that criminological theories would simply just apply to women. They also worked to challenge the institutionalised patriarchy within criminological theory, criminal justice agencies<sup>4</sup>, practice and policy.

Contemporary feminist criminologists Lynsey Black (2009, 2018a, 2018b) Christina Quinlan (2011), Vicky Seaman and Orla Lynch (2022) Windle et al (2022) and the Irish Penal Reform Trust report *Women in the Criminal Justice System* edited by Liza Costello and based on research carried out by Christina Quinlan and Jane Mulcahy (IPRT 2013), highlight that:

there are no open prisons for women or other gender-responsive community-based alternatives in Ireland. This is despite a wide body of research literature that shows women convicted of an offence have complex needs, and it now being widely accepted that a gender-specific approach is required for women in prison.( IPRT 2013:2)<sup>5</sup>

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<sup>3</sup> Gibson Feinblom and O'Neill are in the process of developing Feminist Walk 2 in Cork focusing upon – Containment, Confinement, Resistance, Solidarity and Justice for Women. One section looks at women in the criminal justice system. This will go live on the following website at the end of July 2024. <https://www.feministwalkcork.ie/> (accessed 26<sup>th</sup> May 2024).

<sup>4</sup> Seaman and Lynch draw upon a 2019 UN Report that looked at women and discrimination in law and practice found that 'institutions involved in decisions leading to the confinement of women (criminal, medical and psychiatric) are often dominated by men..females are under represented, resulting in 'gender discrimination and over reliance on gender stereotypes' UN Human Rights Council 2019:6, references in Seaman and Lynch 2022:41).

<sup>5</sup> In the UK, community centres or services for women developed from the 'Together Women' initiative of the Labour government in the early 2000's (p 173) and the 2018 female offender strategy recognise the

The IRPT (2013) report makes two key recommendations: “that a non-custodial approach should be adopted for women offenders; and in the few cases where prison is necessary, the negative impact of imprisonment on the women and those they care for should be minimised”.

Despite research undertaken since in Ireland, UK, US, Australia and other parts of Europe there is still a dearth of research into female crime and criminality relative to that of men. Smart (1976) argued, in *Women, Crime and Criminality*, that criminology must become more than the study of men if it is to facilitate better understanding and also transformation of societal practices. Then, twenty four years later, Smart (2000) argued in a highly critical article that criminology had not improved, but become an ‘atavistic’ endeavour in the social sciences, due to its continued focus on men and the failure to take up feminist analyses and for this analysis to inform practice. Understanding desistance is a case in point.

### Desistance

Seaman and Lynch (2022) argue that based on their research and Seaman’s long history of working in the field in supporting criminal justice involved women that the key concepts of desistance are not fit for purpose, that desistance is a gendered process and we need to understand this in addressing the supports women need.

They highlight, following Walklate (2004), that studies of psychiatric court reports for men and women reveal that the accounts are written in remarkably different ways, supporting gender bias and expectations in relation to women’s agency and that reinforce limited and limiting gender expectations. Moreover women’s experiences of desistance are not easily mapped onto existing frameworks based on men and that women have “complex traumatic developmental histories compounded in adulthood by mental health problems, addiction, domestic violence, homelessness and challenging family and interpersonal relationships” (Seaman and Lynch 2022:37; McHugh 2013). Centring women’s voices Seaman and Lynch (2022), Baldwin (2022) Grace et al (2022) alongside research reports by IRPT and ACJRD call for a gender sensitive response, indeed call for ‘Gender Responsive Justice’ (Baldwin 2023).

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need for early interventions, such as diversion from the criminal justice system, community based CJS solutions, and ‘whole system support’. The third strand of the strategy concerns the need for ‘better custody’ – ‘improving safety, health and well-being, contact with children and families and helping women more effectively in relation to education and employment’ (p 173). However, all of this must be placed in the context of Baroness Corston’s landmark report on vulnerable women in the CJS. The Corston Report was carried out in 2006 and published in 2007. Corston made 43 recommendations and argued for “a distinct radically different, visibly-led, strategic, proportionate, holistic, woman-centred, integrated approach”. The report recognises that a large proportion of women are mothers and that the impact on the children should be taken into account. For example, one recommendation suggests that primary carers of young children should only be remanded in custody after fully taking into account the impact on the children. The Corston report was landmark, useful for raising awareness and led to some developments, however a select committee (June 2013) stated that female prison population not fallen significantly and there was limited growth in local services to tackle the underlying causes of female offending. It is however, “useful for anyone considering the particular impact on children of having a mother in prison”. The recent news of 500 more places in women prison is disappointing and for Lorraine Gelsthorpe (in her end note to Grace et al 2022) what makes more sense is diversion or community sentence and be more meaningful and effective. “policy and practice are riddled with paradoxes and inconsistencies” Gelsthorpe says there has been consistent messages from women themselves but we are slow to learn from them ( see Grace et al 2022:174).

Based on a long history of research with women in prison and her own experience of incarceration, Baldwin states that “women who come into contact with the CJS have rarely escaped traumatic experiences in their lives..may have experienced trauma as an adult, as a child or both...thus when working with women in the CJS it would surely be neglectful not to acknowledge those experiences... and imprisoned mothers experienced profound suffering concerning the loss of their children, their mother status and role” (Baldwin 23:25) both in understanding women’s offending and desistance processes.

As a Mother, a woman in addiction and going in and out of prison, courts, having my court cases in the evening echo multiple times carries a different kind of shame. For years I walked around with my head down destroyed from the public shame that comes with being a mother in this situation. Along with the shame of looking in my children's eyes and promising it won't happen again when deep down I knew I couldn't guarantee that and eventually I would let them down again and destroy the hope they build up each time I came out of prison and try to do my very best only to become victim of the vicious cycle again. That feeling of shame that comes from leaving your children down over and over again it's indescribable - I don't have the words to explain.

(Personal communication with Lucy 2024)

Motherhood and parenting is challenging regardless of circumstances. However, for mothers like Lucy, who have experienced incarceration, negotiating a motherhood role can be a significant source of stress, especially combined with other existing stressors such as unstable accommodation, financial strain, mental health difficulties, and struggles with addiction or recovery (Seaman and Lynch, 2022).

### **3. Gender Matters: Feminist Criminological Imagination**

Given the weight of evidence discussed so far, we can I hope agree that gender is a crucial concern to any critical analysis of women in the CJS. Women do not commit as much crime as men, nor do they commit as much serious crime, yet as Kathleen Daly and Meda Chesney-Lind (1988) pointed out some time ago, the ‘gender ratio problem’ (why women commit less crime than men) and ‘generalisability’ problem (theories of male offending cannot be applied to women and girls) is not taken into account in most theorising, or even in most text books on Criminology<sup>6</sup>.

The literature evidences that for women, crime is always stigmatised, they are defined as mad or bad, and almost always ‘Othered’. Research evidences that when women commit serious crime they are often treated more harshly than their male counterparts (Heidensohn and Gelsthorpe, 2007) despite the so called ‘chivalry thesis’ (Pollack, 1950). The legal and cultural responses to violent and troubling women often develop along the following lines: ‘make her abject from femininity and therefore monstrous’; she must then be rescued from abjection and recuperated into ‘femininity’; and the ‘feminine aspects of a woman’s identity are stressed in order to neutralise her threat to the social order’ (see O’Neill and Seal, 2012, chapters 3 and 4). Indeed, Caroline Fennell (1993) (and many feminist criminologists) has shown that, women who did not conform to feminine stereotypes were often unfairly treated

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<sup>6</sup> Indeed, most textbooks (but not all) have a single chapter on gender and crime or feminist perspectives. There is a growing literature on women and crime.

by the legal system. For Pat Carlen (1988, 2022), ‘analysis of women's lawbreaking and criminalization’ is always in relation to ‘the complex and concealed forms of oppression and social control to which women are subject to. Pat Carlen (1988) argued that where women are suffering poverty and have lost faith in the welfare system they are more likely to commit crime, and women who transgress are subject to harsher controls both in the criminal justice system and more informally related to gender norms. That is, femininity, as described above, is regulated according to certain discourses and criminal women, especially women who perpetrate violence, bring the edges of femininity into sharp relief, and this is what troubles society, a dangerous/troubling femininity.

When it comes to crimes against women, sexual and violent crimes, it is they who are pathologized, as much research (e.g. Carlen 1985, Hudson 2006, Black 2009, 2018a, 2018b, Sea, and O’Neill 2020, O’Neill and Seal 2012, Baldwin 2022, Grace et al 2022) and media analysis such as Jane Gilmore’s book and campaign ‘Fixed It’ (2019) highlights.

#FixedIt – Ireland

The Sexual Violence Centre Cork, influenced by journalist Jane Gilmore’s work and their lifelong commitment to addressing sexual violence, run a ‘Fixed It-Ireland’ Twitter campaign that challenges the mainstream media and social media to do better – by ‘fixing’ the headlines when women are pathologized or when media representations lead to ‘victim blaming.’

The campaign is run on Twitter and Instagram, where we take inappropriate and incorrect headlines and ‘fix’ them, tagging the respective news source to ensure they see the new headline.(SVCC website).

Two examples are as follows.

Irish Times: ‘Gardai are investigating claims that a 15 year old girl was visiting hotel rooms in Dublin to have sex with men in exchange for cocaine.’

Fixed It: ‘Gardai are investigating claims that a 15 year old girl was raped and exploited by men’.

The Journal.ie February 3rd 2023 headline: ‘Man with 41 previous convictions who defiled teen girl has six year sentence halved on appeal.’

‘Fixed It’ campaign edited and tweeted the ‘fixed’ headline as follows: ‘Man with 41 previous convictions convicted of rape and sexual assaults has six year sentence halved on appeal.’

*Centring Women’s Voices: Criminal Women, Voice, Justice and Recognition Network*

In a recent book co-authored by a group of researchers who formed the ‘Criminal Women, Voice, Justice & Recognition Network,’<sup>7</sup> the chapters draw upon the authors research on and with women in the criminal justice system as well as their expertise in innovative participatory and inclusive methods. The book explores how gender and other intersecting

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<sup>7</sup> Following a conference that we were all present at either as hosts or speakers.



social inequalities, poverty, class, race and also abuse and trauma have impact heavily on women's lives and how this is "informs and directs the criminal justice and social responses to women's offending and victimisation".

The book was in part a homage to Pat Carlen's pioneering book published thirty six years ago in 1985 'Criminal Women.' The book emerged from a group who came together to campaign against women's imprisonment, led by Chris Tchaikovsky who founded Women in Prison. Four of the women volunteered to tell their stories, Pat Carlen co-edited, led the editing and was co-author on each chapter. This was a pioneering early example of co-production, collaboration and respecting and valuing each of the women who had been in and out of prison, their stories and experiences. It gave us first hand insight into their biographies and the relationship between lived experiences and broader social and cultural structures, processes and practices.

Lorraine Gelsthorpe writes in the end note to *Criminal Women: Gender Matters* (Grace et al 2022) how the intervening years between 1985 and 2022 reflect two steps forward three steps back in penal practice and policy for women. The authors wrote the book because women's voices and experiences are still so often silenced or marginalised in the criminal justice system and they wanted to remedy this by exploring through primary research:

how gender and other social divisions (including intersectional experiences of race, social class and age) exacerbate the oppression and social control of 'criminal' women and how this informs and directs the criminal justice and social responses to their offending and victimisation (Grace et al 2022).

The book focuses upon the importance of centring research on women's lived experiences of criminality and victimisation and drawing upon a variety of studies that reflect women's involvement in the CJS, such as drug use, sex work, sexual exploitation, imprisonment, including experiences of self-harm and maternal loss, and the inadequacies of desistance frameworks for women in the CJS and more positively education in prison, in the UK via the Inside/Out programme.

Grace et al (2022) argue for more biographical, narrative, intersectional and participatory approaches to conducting research with women in the criminal justice system in order to advance knowledge, understanding and recognition of women's lives, and create space for their voices to be heard and in turn to influence policy and practice.

This, I argue, is crucially important to cultural criminology, to taking a feminist imaginative approach, working with women and through participatory and creative methods and in the process facilitating public scholarship on these important issues – gender matters when addressing the inequities for women in CJS. Creative approaches such as walking methods, working with artists, theatre makers and film makers through performances such as *Rattlesnake and Sugar* (with women in CJS) can reach a wider audience, educate in creative ways, authentically centre women's voices and narratives and in the process change hearts and minds -in keeping with the three points I started the lecture with:

1) the vital importance of critical thinking and thinking otherwise -how might we do things differently;

2) the vital importance of engaging in lived lives in the context of environments and communities;

3) making interventions for social change-imagining and enacting alternative pathways in caring, inclusive and sustainable ways.

Importance of centring women's voice, using participatory methods so women can tell their stories in their own words in order to envision and enact social justice.

**Example 1. Rattlesnake:** addressing coercive control in intimate partner relations

In the context of the Domestic Violence Act of 2018 (came into effect on 1st January 2019) that instantiated in law the offence of Coercive Control and the recent An Garda Síochána 'Domestic, Sexual and Gender-based Violence report' (2022)<sup>8</sup>, as well as decades of research by feminist criminologists we know that most "women who are killed or sexually attacked are targeted by people they know and within a domestic violence setting" (Lally 2022:np). 98 per cent of all suspects in sexual crimes recorded by the Garda last year were male and 2 per cent of perpetrators were female. Some 81 per cent of sex crime victims were female and 19 per cent were male.

The introduction of relationship status (on PULSE) has supported the identification of additional incidents where there was a domestic abuse element. This is particularly notable within the sexual offences group; there were 205 sexual offences incidents with a domestic abuse motive recorded in 2020 compared to 817 in 2021. More than half (53%) of these sexual offences reported in 2021 had a relationship type which activates additional validation checks for the domestic abuse motive. As the victim offender relationship was not available before July 2021, the effect is clearly demonstrated and is likely contributing to identifying incidents that have a domestic abuse component, which may not otherwise have been recorded as such. (An Garda Síochána 2022:8)

The new offence of Coercive Control came into effect on 1st January 2019 with the commencement of the Domestic Violence Act 2018 and is included within the Attempts/Threats to Murder, Assaults, Harassment and Related Offences group. Between 2019 and 2021, 259 incidents of this type were reported with most, 146 incidents, being reported in 2021.(An Garda Síochána 2022:11).

"The new data, described as a "milestone" in Irish policing, reveals almost nine out of 10 women and girls who were murdered or unlawfully killed, lost their lives at the hands of perpetrators, usually male, that they knew." (Lally 2022:np) Reported in Irish times <https://www.irishtimes.com/crime-law/2022/09/23/vast-majority-of-killings-and-sex-crimes-carried-out-by-men-on-women-garda-review-finds/>

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<sup>8</sup> and the introduction of the victim offender relationship field on PULSE in July 2021.

Women's Aid's Annual Impact Report for 2022 details 31,229 contacts with its national and regional support services last year. 16% increase in contacts compared to previous year and the highest ever received by the organisation in its almost 50 year history. During these contacts, the organisation's support workers heard 33,990 disclosures of domestic abuse against women and children. Abuse included coercive control, emotional abuse, physical violence, sexual abuse, and economic control. 12 women died violently in 2022 according to the organisation's Femicide Watch. "Every system for domestic abuse victims/survivors is creaking at the seams and the cost of living and housing crises exacerbate the toll on women and families affected".

### *Rattlesnake*

In the context of the 2015 Policing and Crime Act in the UK, that instantiated in law the offence of Coercive Control, Open Clasp were commissioned by myself and Nicole Westmarland, in a project funded by the Durham Police and Crime Commissioners (PCC) and the Arts and Humanities Research Council (AHRC), to develop and deliver arts based training to all frontline officers in County Durham, to facilitate better responses to sexual and domestic violence and coercive control.

### *Durham PCC and Durham Constabulary*

Funded by Durham PCC and the Arts and Humanities Research Council (AHRC) the project was based on research identifying gaps in Police understanding of coercive control by Professor Nicole Westmarland and Kate Butterworth (Durham University) and the impact of participatory and arts based research interventions centring women's voices by myself. Facilitated by Westmarland, O'Neill and Butterworth, *Rattle Snake* was created by Open Clasp using participatory methods, listening to survivors of coercive control and sexual and domestic violence, women's voices and experiences were central to the development of the script of the play. Women's voices were mediated by Catrina McHugh, an award-winning writer who co-founded Open Clasp Theatre Company in 1998, with the aim of 'Changing the World, One Play at a Time'.

Using arts based methods and what we know from our research about the experiences of domestic violence and abuse, and coercive control, the play was created by Catrina McHugh true to women's experiences and was then used to train police officers in better responding to sexual and domestic violence and coercive control. The training had significant impact and having successfully trained 398 officers from Durham, Open Clasp went on to train 1000 officers in Cleveland, leaving a 'train the trainers' programme as a legacy of the work.

"Rattle Snake holds the voices of those who have survived coercive control and our aim is to make the best theatre we can to ensure those voices are heard. This play matters because we live in a world where there is a sense of entitlement to take away another person's liberty, to control and threaten." Catrina McHugh



Images: Keith Pattinson/Open Clasp Theatre Company

### *Open Clasp's Process*

Working with women survivors, Catrina 'interviewed' had conversations with women and based on these conversations and her readings of Evan Stark's (2007) research in particular she wrote 'Rattlesnake' (McHugh 2015). Open Clasp produced the play, and it is directed by Charlotte Bennet, describing it as 'an epic tale based on real-life stories of women who have faced and survived coercive controlling domestic abuse.' The training delivered by Open Clasp and supported by the research team, took place over three months. I attended all but one training session. Feedback from police officers at the Durham Police training sessions was excellent, with 98% reporting that their knowledge of coercive control had improved as a result.

### *Impact – responses by Police Officers*

"Very impactful!! It gave me a greater understanding of what life is like for the survivors/victims of coercive control and how this impacts their life as a whole."

"I have a much greater understanding of the importance of safety planning because a 'solution' is much harder to achieve - we need lots of support agencies working together. Great training! Learned a lot in one day. Very informative - varied tasks and participation increased learning and learning from different agencies."

"The training gave a greater awareness of the ultimate consequence of Domestic Abuse. Powerful film where you felt the fear. Explored the best way to get narrative from a victim."

"Training like this, based on the actual lived experiences of real victims, is so much better. It actually shows you as a professional where the system and you go wrong, and what you can do to change your practice to achieve better outcomes, to be a help not just a useless, uncaring professional with their own agenda (e.g. targets). It also teaches empathy."

"The course has opened my eyes. I now understand why victims don't report domestic violence. "

"Helped me to understand the patterns and tactics of perpetrators. Reminded me of the fear and control which victims experience "

"BEST DV course I have attended. I've met people who can assist me in my role. "

"Better understanding of the lack of support for the victim. Understand further how the victim actually feels. More understanding that the perpetrator needs support to change their behaviours and beliefs. Early intervention."

### *Cork*

In the context of the Domestic Violence Act of 2018 and the new crime of Coercive Controlling Domestic Abuse in Ireland we held a workshop in Nov 2019 at University College Cork, to share *Rattlesnake* with the Policing authority, Gardai, Cork Prison service and voluntary sector organisations who support women fleeing domestic and sexual violence, including the Sexual Violence Centre Cork. Catrina shared the film of the performance, followed by a Q&A. The morning event was a success and all those attending requested that we run a further training session, and this was made possible by funding from University College Cork, where Catrina led the workshop, using theatre methods, including image and playback theatre.

The film of the performance is incredibly powerful, and demonstrates in detail how 'James' uses coercive control to groom, and then psychologically subvert and destroy personal autonomy, by using force, threats and violence, and by isolating Suzy and then Jen from friends, family and neighbours, whilst performing, 'good neighbour' 'father' 'step father.' All the time ensuring he is in control through commanding and compelling, obedience leading to conditions of "unfreedom" and "entrapment"( Stark 2007:205-229). What is viscerally apparent in the performance is the danger the women and their children are in.

At this point in my talk I shared three clips from *Rattlesnake*<sup>9</sup>, the first clip evoking women's lives lived in fear, walking on eggshells, compulsively cleaning and arranging so that everything is 'perfect' for when James comes home and reflecting on how the relationship started and falling in love. The second clip highlights the increasing coercive control, the mind games, the threats of and acts of violence, the increasing fear and isolation. The final clip is towards the end of the performance, Suzy has left James and is being stalked has a restraining order and the police have called to take dna from her and the children, as the likelihood of James 'getting them' is high. Suzy talks about how she lives with constant fear, she does not tell anyone where she is going, she never shares plans, she is terrified of her daughter making her own way from school, six miles away from where they now live, and she has a safe room in her house. Meanwhile James has started another relationship with a young mother and thanks to Claire's Law, they are in touch, but the relationship is following the same pattern.

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<sup>9</sup> A trailer for the film can be viewed here <https://www.youtube.com/watch?v=A22GSfzvGdc> (accessed 26<sup>th</sup> May 2024).

## Example 2: Sugar by Open Clasp.

Using the same methodology described above, Open Clasp devised with women in a Women's Direct Access Homelessness Service and women on probation attending a Women's Hub at West End Women & Girls Centre and women in HMP Low Newton Prison NE a play made up of three separate performances, called Sugar<sup>10</sup>. Sugar tells the story of three women caught up in the criminal justice system, Tracey, Annie and Julie. The clip I shared is from Tracey's story, as it was, in part, based on a 'walkshop' I led as part of Open Clasp's residency at a Direct access Hostel for homeless women in Manchester with Catrina and project workers.

Walking with Faye (not her real name) from the Direct access Hostel to her special place in the city, affords a much better understanding of her biography, the trajectory of her life, of the child who experienced violence and coercive control in the home, the mother who left, the secure boarding school she was sent to for absconding, and the child who was invited into a car by a stranger and given £20, enough to buy batteries for her Walkman.

Faye drew a map from the DA hostel to her special place, the park, through the areas where she works, the dark tunnels and passing cars, past the special tree she touches for luck, the outreach organisation that offers support, care, comfort and practical necessities; and she talked about the split second decision she makes to step into a car with a stranger....Faye shared something of..the people she has lost, how life has passed her by and her fear of being alone... We talked about her aspiration..to live a good and happy life, against the tide of her life, a tide that comes towards her, over and underneath her, often taking her feet away from her. (O'Neill and McHugh 2017:211)



Images: Keith Pattinson/Open Clasp Theatre Company.

### *Impact of Arts Based Research and Outcomes*

I hope that the clips from *Rattlesnake* and *Sugar* I have shared reinforce that creative, visual and performative methods can generate research that impacts an audience in sensory and

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<sup>10</sup> A trailer for Sugar can be viewed here <https://www.youtube.com/watch?v=r5llz845MIM> (accessed 26<sup>th</sup> May 2024).

affective ways. In ways that enable the artist, in this case Catrina McHugh, to capture or say the unsayable, what might be difficult to put into words and share with viewers or audiences, experiences and messages that might ‘pierce’ (Nicholsen 1997, cf. Barthes ‘punctum’) us, and bring us ‘in touch with intractable reality in ways they cannot forget’ (O’Neill and Robert 2019:81, Kaptani et al 2024). In ways that compel a change of attitude or a better understanding that may motivate audience members to advocate on behalf of, in our case, women in the criminal justice system.

For the women involved in workshops with Open Clasp and with Maggie, the women who are sharing their stories, the result can often be therapeutic. This is because they have the chance to tell their story in their own words and to be listened to, attended to, in ways that provide ‘symmetrical reciprocity’ (Fals Borda 1983) and that do not reproduce hierarchical structures or power relations. Ethnographic immersion in women’s lives, followed by distanciation and critical distancing, in order to do the work of analysis, and the work of holding the space, facilitates a critical, creative and productive space, and indeed, a safe space that fosters sharing and person centred active listening.

The combination of methods – ethnographic and arts based – in practice and in process opens a potential space for a critical recovery of women’s lived lives (see also Erel et al 2017, Kaptani et al 2024). In sharing women’s stories and experiences, in this case through ethnographic walking methods and interactive theatre and theatre making, we can challenge myths and stereotypes and offer better understanding and knowledge, shared across the widest communities, that might challenge and change some of the ‘othering’ and stigma that marginalises homeless women and women involved in the criminal justice system. This is not without its challenges, ethical issues, and dilemmas ( O’Neill and McHugh 2017).

## **Conclusion**

The women voice justice recognition network, myself and the criminological colleagues across Ireland referenced in this paper, and Open Clasp theatre company are committed to challenging and changing sexual and social inequalities and advocating for change in relation to women’s experiences of coercive control and the criminal justice system. Gender matters, first, by bringing into knowledge and recognition women’s experiences of the criminal justice system - towards social justice for women. Second, through our separate and collaborative work we have developed creative methods in action that have impact, that both demand and compel changes in the attitudes towards marginalized women, towards more just outcomes for women based on connecting with, as Catrina McHugh says ‘the heartbeat’ of their stories. Third, we seek to counter exclusionary processes and practices, underpinned by shared values and principles of social justice, recognition of women’s lived experiences, and a keen awareness of the struggle for recognition faced by women involved in the criminal justice system, women who experience poverty, homelessness, coercive control and violence.

Our ethnographic, life story, participatory, biographical and arts-based approach to research, and to producing knowledge and understanding for social change with women, we hope is made clear in this presentation. The research shared here is foundational to our practice of *feminist criminological imagination* that evidences the importance of stories and storytelling, the value of re-presenting life stories in theatre/visual/artistic form, and most importantly the importance of creating trust and safe spaces for the women who are invited to work creatively to share their life experiences – ‘we sit as equals we do not other’ ‘we share a democratic process’(O’Neill and McHugh 2023, Swirak et al 2023). In the examples shared in this talk

(Rattlesnake and Sugar) characters are created as thinking, feeling, beings – by women who lead the process. The methods support confidence in our working together and can lead to the transformative role of art, theatre and storytelling, the transformative possibilities of connecting arts/theatre based work and social research.

We need to work together to create change, based on the three themes I started the presentation with: 1) the vital importance of critical thinking and thinking otherwise; 2) the vital importance of engaging in lived lives in the context of institutions, environments and communities; 3) making interventions for social change by critically analysing, imagining and enacting alternative pathways in caring, inclusive and sustainable ways – for our collective social futures. An open letter by criminologists across Ireland, published in the Irish Times, led by Dr Ian Marder and colleagues at Maynooth University underscores this message:

Research has demonstrated that sending someone to prison does not reduce their likelihood of reoffending, but can actually increase it. The State's own commissioned report on reoffending demonstrates how to reduce offending: by providing employment opportunities and drug treatment, ensuring treatment by justice actors is procedurally fair, and using community justice instead of prison sentences.

It is very clear that as a society we need to address and stop the incarceration of women, particularly in the context of the research highlighted in this talk. I leave the last words to Lucy.

I'm now a few months down the road and everything we spoke of in that first meeting I have received and so much more. Having the support of Cork Alliance - through my key worker, group sessions and my one-to-one therapy has given me the confidence and the belief in myself that I needed in order to change my life and get really excited about my future and going back to college so that one day I can be in a position to give back the help that was so freely give to me.

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