

**MADNESS, MONSTROSITY AND GRIEVABILITY IN CANADIAN MEDIA REPRESENTATIONS OF**

**ASHLEY SMITH**

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**A Research Paper submitted to the Graduate Program in Critical Disability Studies in partial fulfilment of the requirements for the degree of**

**Master of Arts**

**Graduate Program in Critical Disability Studies**

**York University**

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## Acknowledgements

This paper is in memory of Ashley Smith and all of the other past, current, and future psychiatrized and incarcerated individuals. I was very aware of my privilege while writing this paper, privilege that I could bear to read about all of the violence Smith endured, and still carry on writing, if haltingly and over a long period of time. I want to thank my supervisor Nancy for being an inspiring disability activist, artist and poet whose commitment to social justice is admirable. Also, I want to thank my advisor Beth Haller whose research and belief in disability media studies as a necessary “site of struggle” has been invaluable to my project. I want to thank professors Geoffrey Reaume and Rachel Gorman at York for pushing me to expand how I conceptualized disability, intersectionality, madness, and incarceration, and for writing important pieces in mad studies that I have used in my work.

I want to thank mad studies scholars Eric Fabris and Lucy Costa for giving me opportunities to think about madness, and become active in the Toronto mad community, both inside institutions (like OISE at “Crazy Talks,” and CAMH’s Empowerment Council) and outside of the institution, what at New College in the Equity Studies Program, we fondly referred to as “pub pedagogy.”

I want to thank my colleagues and friends in CDIS who have sat with me through countless hours in class and in the library as we both try to make sense out of and try to disorient ourselves using disability scholarship. I especially want to thank Cath, Bridget, Navi, Ben, Hilda, Kristina, Natalie and Elisabeth for your comradery and commitment to building crip and mad communities on campus. Additionally, I want to thank Judy for

being an invaluable support to me throughout the course of my degree. I am especially grateful for the copy-editing you provided on the final version of this paper.

I am in awe of the never-ending amount of support of Eliza Chandler. You have journeyed with me since I first started in disability studies, and I have no words to express how much I value your quiet, unwavering commitment to your students, friends and communities. You are not only my mentor, but you are my friend. Without you, I doubt I would have pursued my masters in disability studies, nor would I have found “crip community.”

Finally, I want to thank my partner Zach, who has been an unending source of support for me. I know I have been exceptionally trying these past few years, and I am astounded by the amount of patience and confidence you have given me. You have supported me in more ways than I can count throughout this degree and throughout our relationship thus far. I look forward to continuing to create queer-mad community with you for many decades to come.

### Abstract

Using a sample of six articles from Canadian News sources, this paper looks at how the death of nineteen-year-old Ashley Smith at the Grand Valley Prison for Women near Kitchener Waterloo was framed by the Canadian print news media in 2007 (the year of her death) and between 2012-2015 when her mother Coralee Smith attempted (and eventually succeeded in) having the initial ruling of suicide overturned by a jury who found Smith died by homicide. I attend to whether themes of monstrosity, grievability, and mental illness were present in media coverage of the case affecting the extent to which Ashley is framed as a person whose life and death are of consequence. The terms, images, and frames used by the media to describe Smith have the capacity to participate in infantilizing, Othering, and discounting the validity of Smith's suffering within the Prison Industrial Complex (PIC) (Wahl 343). Conversely, the media also has the capacity to emphasize the systemic devaluation of criminalized and incarcerated people, thereby calling not only on state actors, but also on readers to consider how we are implicated in the categorization of some lives as worthy of care during life and grievable in death, and others as threatening and dangerous being in life, and ungrievable in death (Cohen *Visions* 5-6; Baun 31).

*Key Words: frame, monstrous, (un)grievable, exceptionally deviant, psychiatrization, debility, labeling, mentally ill, social death, slow death*

## Introduction

Ashley Smith is a well-known name amongst Canadian prison activists, journalists, and disability studies scholars who have covered her story from when it made headlines in 2007, to December 13<sup>th</sup> 2013, when a jury found Smith was a “victim of homicide” following her death by asphyxiation at Grand Valley Prison for Women in Kitchener Ontario (GV) (“The Ashley Smith Inquest” 3).<sup>i</sup> This finding set a new precedent since overturning the original finding that Smith committed suicide<sup>ii</sup> created the potential for Smith’s death to be re-framed as a systemic problem resulting from the dehumanization of criminalized and psychiatrized women (Altheide “Qualitative” 36-37). Contesting representations of Ashley Smith as ungrievable and non-human is an example of the task of cultural criticism to “return us to the human where we do not expect to find it, in its frailty and at the limits of its capacity to make sense” (Butler *Precarious* 151; Cross 11; Haller et al. 48).

I am interested in how the Canadian media constructed Ashley as an ungrievable (Butler *Frames*16; *Precarious* 20-1) and exceptionally deviant, criminal, and monstrous body (Foucault *Abnormal*; Wahl 343; Shildrick 1-2) whose precarity could not be apprehended (Butler *Frames* 2-3; *Precarious* 146) even amongst other criminalized and/or psychiatrized prisoners. Psychiatrist Arthur Kleinman and his partner Joan ask readers to consider suffering as a “master subject of our mediatized times” (“The Appeal” 1) wherein images and sounds of grief on the radio, television, internet, and in the paper of death and pain have become “part of our political economy” (8). Consumers of these images and sounds imagine ourselves as being far-removed from this suffering. This

preserves the fallacy that suffering is extraordinary, distant and unbearable (“The Appeal” 1-2). This limits the extent to which collectivities of systemically oppressed people such as: Mad, disabled, criminalized, and institutionalized people like Smith can make their suffering visible and conversely, how people who are not (yet) oppressed in these ways can imagine how it could be handled differently (2).

In an attempt to deconstruct and pathologize Smith herself as little as possible, I focus on the themes, tropes, inferences, and labels attributed to her in Canadian news media (Altheide *Qualitative* 14; Shur *Labeling* 3). Within the media common tropes about mental illness include ideas of: a) the *Mentally Ill Criminal*<sup>iii</sup> b) the *Passive Patient*<sup>iv</sup>; c) the *Class-Based Illness Portrayal* (Haller et al. 45).<sup>v</sup> These tropes allocate blame to marginalized individuals and discount the many ways in which poverty can negatively impact a person’s life (Olstead 641; Belle 385) having “wide-ranging consequences for the lives of those diagnosed with mental illness” (87).

This methodology seems appropriate since Ashley reached out to *The Times and Transcript* in an attempt to help herself when her efforts to communicate with staff and assert her needs at the New Brunswick Youth Detention Centre (NBYC) failed. Ashley herself justified writing to the editors because she believed “the community should know” (quoted in “Ashley was a Baby” 27). Smith described the crimes she was charged with as “petty” and she said she suspected her community was pleased to have is “[o]ne less troublemaker on the streets” following her incarceration (27). This fits with Pat Carlen’s observation that most women are sent to prison because of “the persistence of their nuisance” including their failure to abide by gender norms (620). Furthermore,

Ashley Smith questions whether prison officials were aware of how harmful imprisonment is in attempting to “mak[e] youth ...better” (27). I explore how media representations of Smith, such as Smith as a troublemaker and pathological person, participated in constructing Smith as an ungrievable and monstrous body.

### Importance of the Smith’s Story

The Canadian Government created a “Task Force” in the mid 1990’s to reform Canadian prisons, following the publication of a report by Louise Arbour in 1994.<sup>vi</sup> It was written in response to a prison riot at the Kingston Prison for Women in Ontario where high numbers of women were placed in segregation and guards were found to lack the training to engage sensitively with these women (Mason and Mercer 22). It found the task force failed “difficult to manage women” (Hannah-Moffat 185). Two decades later, women such as Smith who are labeled as being “difficult” or “resistant to gentler...forms of punishment” continue to be labeled as “high-risk” and placed in segregation (186; Shur 24). Once Smith was labeled in this way, Smith was associated with all of the negative “auxiliary traits” of those similarly classified even though there is much intra-group variation amongst criminalized and pathologized people (Shur 24-29). Conversely, there are potential similarities between stigmatized people and the relatively powerful people who are meant to treat or watch over them (Schur 44). David Garland concedes that there is a “ruling morality” wherein people with more material privilege and power are more likely to have their views and opinions reflected back to them as the norm as they are able to “act through the state and through civil institutions [to continually



remake] social relations and collective sentiments in accordance with their particular programmes of political action (*Punishment* 52-53; Haller et al. 49).

Ashley's story is unique because of the amount of press coverage Smith's family was able to attract. This afforded Smith's mother (Coralee) the opportunity to attempt to "counter-act...stigmatization through collective action" (8). Smith's story demonstrates the potential for families of victims of the Prison Industrial Complex (PIC)<sup>vii</sup> to hold the state accountable and to refuse to allow the state to maintain their stance of "Official Denial" about their role in Smith's death (Cohen *States* 10). In particular, the jurors recommended the Smith case be "taught as a 'case study' to all CSC [Correctional Services of Canada] management and staff at all levels because it demonstrates how CSC...[and] the federal/provincial health-care system can so profoundly fail someone so ill and vulnerable" shows that not only should families be aware that they can investigate their loved one's deaths in the PIC, but that the CSC needs to prepare for that as well. (Blatchford "Ashley Smith Jurors" 6).

Criminology scholars Cesaroni and Peterson-Badali note the PIC is increasingly being used as an alternative to mental health services for criminalized youth (269; Ben-Moshe 386). To the extent the PIC continues to expand, and the number of women incarcerated grows, I suspect working class women like Ashley, will continue being labeled as "mentally disordered" (Mason and Mercer 22). This label fits with the aim of the neo-liberal capitalist state to systemically disadvantage people who fail to embody norms of docility and productivity (Allspach 705).<sup>viii</sup>

## Research Questions

I will examine how the inter-related themes of transcarceration<sup>ix</sup> and debility played out in the media following Ashley's death on October 19<sup>th</sup> 2007 (LeBlanc, Kilty and Frigon 2013 "Examining"). A primary framework that I will be using to analyze Ashley's subjectivity is that of Fischer, who writes that subjectivities are shaped along four different registers (423-424). The first register is the realm of the political. This applies to Ashley's story because journalists strategically emphasized certain aspects of her life to create a certain "moral sentiment" which was used to either foster or impede a sense of "public solidarity." This affected the extent to which Smith could be remembered as a person, not simply a criminalized and psychiatrized Other (Poland and Caplan 11; Cross 293).

The second register is "psychological subjectivity" wherein it is possible to see how people are made up of various parts. This provides an alternative way of seeing someone like Ashley who was pathologized for lacking a distinct "sense of self" and given a diagnosis of borderline personality disorder (BPD).

The third register is the "linguistic subject" which emphasizes how people describe themselves and how they are described by others. This includes how Ashley attempted to draw attention to her narrative through writing to newspapers, writing letters of complaint to the prisons that held her captive, and writing poetry.<sup>x</sup> The linguistic subject relates to how journalists chose to describe Ashley in their pieces. For example, the psychiatric labels used, the adjectives chosen, and the choice to center her indigency in reports.

The fourth register is the “biological subject” which includes the “*biological subject*, the body’s organism; the carnal...” (424). This register allows us to look for traces of how Smith related to her body, and how traces of her embodiment (including her indemnity) can be found throughout her writing. Further, it calls for attention to how Smith’s body is either taken up (or erased) in the newspaper articles I will analyze.

Prior to collecting data, I created my research questions which provided a place to begin my research (Krippendoff 32). I used David Altheide’s ethnographic content analysis (ECA) framework (“Ethnographic”). Krippendoff notes there is a long history of mass communication theory using content analysis to analyze the following: 1) *presence of absence of a reference*<sup>xi</sup>; 2) the *frequency* with which a symbol, idea, reference or topic occurs<sup>xii</sup>; 3) recording the *number of favourable or unfavourable* characteristics attributed the symbol, idea or reference<sup>xiii</sup>; 4) the kinds of *qualifications*-adjectives used [to describe the subject, Ashley Smith]<sup>xiv</sup>; 5) the frequency of and/or co-occurrence of two concepts is taken to indicate the *strength of associations*.<sup>xv</sup>

Keeping these indices in mind, I use the following questions to guide my research: What kinds of bodies are considered disposable according to the Canadian print news media? To what extent were pathologizing labels attributed to Ashley throughout the media coverage of 2007 and between 2013 to 2015? Which forms of power, privilege and oppression are acknowledged by the media? What can we learn by leaning into the discomfort and dwelling with the uneasiness that comes from knowing that the way Smith’s case was not unusual? To what extent do references to psychiatric or behavioural problems appear? How are these disorders operationalized within media texts? To what

extent do journalists attempt to explain Smith's imprisonment through her madness or badness? Finally, how did Smith's social location as a fat, woman with a grade nine education and a history of getting into trouble at school and was taken up in the media as white, (Richard 15-17)<sup>xvi</sup> impact both how she was represented in the media and why the media only took an interest in her until *after* her death?

I hope my research adds a mad-disability perspective missing in the literature.<sup>xvii</sup> Ideally my work can contribute to the project of getting people, whether members of the public, journalists, prison guards, or medical professionals to question how they categorize and label people. Labeling in the form of diagnosing or writing someone up individualizes and pathologizes experiences of distress, (Mills 214) thereby not enabling a polyphony of other possibilities to exist.

#### Other Orientations to Smith's story

The Ashley Smith case has been analyzed using a variety of frameworks, including feminist (Ring), political science informed (Philips), and criminological (Wasserman; Kilty, LeBlanc, and Frigon). LeBlanc and Kilty expanded on their criminological analysis by examining how the PIC participates in producing deviance and deathly conditions by stripping inmates of their other identities and sense of value (Shur 187; "Ashley Smith", Richard 7). While Canadian journalists from a wide array of print and media news-sources have taken up Smith's story and scholars like Ring and Wasserman have analyzed media representations of the case, to my knowledge no work has specifically sought to trouble how media representations of Ashley Smith potentially contributed to her behaviour being framed as what Dorothy Smith calls a "mentally ill" type ("K" 37).

## Framing people as “Monstrous”

Margrit Shildrick theorizes that people considered to be non-normatively embodied constitute the monstrous. Furthermore, French philosopher Georges Canguilhem argues that beings who break the law are monstrous (quoted in Sharpe 385). It is worth thinking critically about how the version of Ashley Smith that we receive from the media “is authorized as *that* version which can *be* treated by others as *what has happened*” (emphasis in original Smith “K” 33). Similarly, when the Canadian media uses descriptors of Smith such as BPD, or when they recount Smith’s life history, readers are meant to take this as truth. The belief that Smith’s appearance, mannerisms, or requests were signs of pathology and deviancy persisted even as she was transferred between various types of “total institutions” (Goffman *Asylums* 1, 5) across the country. The stickiness of these labels (and the beliefs and assumptions that generated them) was used to argue Smith was both mentally ill and dangerous (Jimenez 162-163). The labels likely influenced decisions to transfer Smith repeatedly between regional and federal institutions across the country.<sup>xviii</sup> Also, these labels meant that clinicians pre-emptively determined that Smith was dangerous and needed to be in segregation prior to her transfer based on the opinions of experts at other institutions. As a disabled woman Smith was relegated to a space of social death (Biehl 189). Smith’s story reminds readers our status as colonizers, and of the potential of all of our minds and bodies to react to the adverse conditions of the PIC (Razack 5-6).

Sociologist Vicki Chartrand observes that the “law [is] deployed to support and authorize the power of the norm” (“Inalienable” 22). In this way it is a colonial tool.

Total institutions like prisons or psychiatric<sup>xix</sup> facilities, attempt to “[treat] the delinquent [using] correctional and psychiatric techniques [which] represent a moral orthopaedics that constellates around a vital norm, fixing on the precise manner in which that norm has been transgressed and implementing new technologies of rectification” (Murray and Burgess 135). Within the context of the total institution, Smith’s activities (or lack thereof) were monitored either by staff or via video surveillance and her schedule was structured to fulfill the aim of the given institution, such as punishment, diagnosis or rehabilitation (Goffman *Asylums* 6). American sociologist and criminologist Jill McCorkel suggests that in these contexts discipline reproduces gender norms by understanding how female-identified people move through the world as deviant (45; Shur 5). Similarly, social theorist David Garland argues punishment seeks to “preserve the class interests of wealthy and powerful individuals” (*Punishment* 123).

Thomas Scheff sees labelling theory as an alternative to the medical model (“The Labelling” 445) which accepts pathological labels such as Oppositional Defiant Disorder (ODD) or BPD as valid. Scheff notes the process of labeling someone as mentally disordered or criminal is the “most important cause of careers of residual deviance” (*Being* 34). Since the post-war period, people marginalized in this way have been seen as threats to the well-being of society as a whole, and as potentially “at risk” of “developing mental disorders” (Castel 289; Cesaroni and Peterson-Badali “Young” 268).

Mason and Mercer argue mental disorder is a myth because although “the facts cannot be corroborated... the communicative meaning relates important messages regarding social or cultural values” (28; see also Scheff “The Labeling” 4; Garland

*Punishment* 251). According to Foucault and LeGrange, naming, labeling, and categorizing behaviour is the main object of the psychiatric profession (*Psychiatric* 150) as is evident by the ever-expanding number of diagnoses in the *Diagnostic and Statistical Manual* (DSM) (Jacob, Perron and Holmes 9).<sup>xx</sup> The manner with which psychiatric and pathologizing language is taken up within media representations affect mad peoples lived realities, and preclude other accounts from being heard.

### Reflexivity

The way content is taken up depends on the experiences, biases and perspectives that readers bring to the text. Thus, all interpretation is qualitative (Krippendoff 16). We cannot extract ourselves from “the world” while engaging in analysis since we rely on this world to access the text (Merleau-Ponty 5, 10).

As a white psychiatricized woman,<sup>xxi</sup> I became interested in Ashley’s story in 2010. At this point I had learned to pay more attention to my surroundings, and had been offered new perspectives from which to see the world through my studies. It was around this time that it was first suggested to me by a psychiatrist that I might be “borderline.”<sup>xxii</sup>

When I started hearing that Ashley Smith had been diagnosed with BPD and ODD prior to her death, I began to wonder to what extent these psychiatric labels were used as explanations for her inhumane treatment within prison, and as justifications for the inevitability of her death. Potter suggests we think about the extent to which the “classificatory disorder BPD represent[s] pathology, or instead, cultural disapproval, what is often called the ‘mad or bad’ problem” (4). Furthermore, Potter reminds readers

feelings like “emptiness and uncertainty...have become ‘medicalized,’” thereby stripping away social context and political meaning (34).

My lack of first-hand experience with being imprisoned at first made me very apprehensive to research Ashley Smith’s story as I was worried that as Judith Butler writes (*Frames*, 63) my distance from institutionalization would make me more likely to unwittingly accept how the media framed the Ashley Smith case. Also, I was aware of the many people who have been involuntarily institutionalized, some of them may have also been interested in the Ashley Smith story, who could be doing the work I have undertaken. However, as I progressed through my studies, I encountered more scholars that spoke first of all of the value of sometimes having some distance from the subject matter, as it can be less exhausting, and there is a greater chance of being able to complete the work. Kleinman and Kleinman state that while it is important to be cautious about using and appropriating the stories of others, this does not mean that stories should never be appropriated, as this would limit the potential for learning and social transformation (“The Appeal 17-18). Secondly, bell hooks speaks of the value of being intensely uncomfortable and apprehensive about a subject matter as a researcher as there is always a power imbalance (hooks 130; Alcoff 7). This discomfort can help ensure researchers such as myself remain conscientious of the current and foreseeable impact our research will have on our communities. It can also ensure that as researchers, we remain humble and aware that our research is imperfect and partial.

Further, I encountered theorists who noted how it is important for students and academics who do not have first hand experience with the violence of state institutions or



certain systemic violences – in this case, the PIC to educate ourselves. The burden of working to ameliorate these systems, and to call out state actors for their violence against imprisoned people, for example, should not only be born by those who have had to go through these traumatic experiences themselves. Foucault (“Power” 83-4) suggests that it is the responsibility of researchers to work to bring suppressed knowledges to the attention of members of the public on behalf of oppressed groups.

### Methodology

I decided to use a mix of qualitative content analysis as parts of my methodological framework for analyzing these texts. Content analysis (CA) sees “data as representations...as texts, images, and expression that are created to be seen, read, interpreted, and acted on for their meanings...”(Krippendoff xii). According to Krippendoff, CA enables texts to be read and understood differently (23). CA enables me to attend to the ways media representations of Smith are constructed as factual. It also allows for the integration of the work of social-constructionist theorists like Judith Butler and Michel Foucault.

I am using a mixed methodology that combines both ethnographic content analysis (ECA) (Altheide “Ethnographic” 66) and feminist discourse analysis. ECA asks the researcher to locate themselves in their research, and to justify how they define concepts, collect and analyze data. Like other forms of ethnography, ECA attends to how stretches of text are exchanged and formatted, and how the rhythm of the words plays out in the text (“Ethnographic” 68). ECA allows me to look at how discourses about mental illness, prison, and young women have impacted one person, Smith, while also acknowledging

the influence these discourses have had and continue to have on how psychiatricized and criminalized people are negatively represented in the media as “inadequate, unlikeable, and dangerous” (Wahl 345; Olstead 623; Cutcliffe and Hannigan 315; Edney 2) affecting all members of society as well as the “development of government policy and legislation” (Cutcliffe and Hannigan 317; Garland *Punishment* 249).

Kleinman and Kleinman argue that in order to respond to social suffering differently, it is necessary to “develop historical, ethnographic, and narrative studies that provide a more powerful understanding of the cultural processes through which the global regime of disordered capitalism alters the connections between collective experience and subjectivity, so that moral sensibility, for example, diminishes...” (“The Appeal” 19). I aim to do this throughout my analysis of mainstream media representations of Smith.

ECA requires the researcher to locate themselves in their operationalization of concepts, collection of data and analysis (Krippendoff 68). ECA lends itself to a disability studies and mad studies analysis because of its methodological flexibility which accepts the risk and acknowledges the potential for the act of researching to affect how a researcher orients to the subject matter they are investigating.

ECA requires that researchers use a constant-comparative method to draw significant “situations, styles, images and messages” from the text (Krippendoff 68). Reading a small sample of print media coverage about the Ashley Smith case, through feminist, mad-studies, and disability studies lenses, I aim to open the texts up so that it is possible to ask new questions of them, and imagine other ways Smith’s story could be narrated. In this way I hope to provide an opportunity to “re-present [Smith] as they are re-read” by

putting emphasis on different actors and different perspectives than are presented to us by the media (62). Disability studies scholars Alison Carey, Liat Ben-Moshe and Chris Chapman argue disability has “always been central to diverse practices of incarceration, alongside and interlocking with other forms of stratification” (ix).

Through re-imagining news discourse, which is not written with disabled or mad folks in mind, I engage in a crippling of the text (22).<sup>xxiii</sup> By virtue of its attention to the liminal space in between sender and receiver, content analysis is very well suited to the fields of disability and mad studies, which also attend to this liminal space that delineates the boundaries of “normate” culture. David Garland argues that the media is influenced by a “ruling morality” wherein they give more air-time to the beliefs and views of materially privileged people, thereby giving them the power to influence social policy development and areas of political action (Haller et al. 62). In turn, this constructs the views of privileged people as the “norm” (*Punishment* 52-53).

Judith Baxter suggests researchers interested in discourse analysis and feminist theory conduct “feminist post-structuralist discourse analysis” (1) since two of the key theorists throughout my research, Foucault and Butler (6), write from a post-modern perspective. Baxter observes post-structuralism is interested in attending to how “language [acts] as a ‘site’ for the construction and contestation of social meanings” (Baxter 6; Baun 32). Baxter defines this approach as a way for feminists to “analyze the ways in which speakers negotiate their identities, relationships and positions in their world according to the ways in which they are located by competing yet interwoven discourses” (1). This fits

with the competing demands of prisons on to be at once “within and without family, femininity adulthood and sanity” (Carlen 620).

Post-structuralism asks the researcher to attend “specifically to the fictionalizing process of any act of research...[F]ictionalizing...means that all pursuits of inquiry are concerned with creating a world through language and hence research is itself constitutive or ‘world-making’...” (Baxter 6; Halifax 1). Discourse analysis is concerned within the act of self-reflexivity. Baxter defines this as “the practice of calling attention to the constitutive powers of any form of analysis,”(6; Krippendoff 65; Altheide “Ethnographic” 68).<sup>xxiv</sup> Since discourse analysis is a “textualising practice” influenced by the author’s choice of “structure, convention and conceptuality of language” the text bears traces of its author (Baxter 60).

According to Foucault, (49) discourses are used in the plural sense to denote “practices that systematically form the object of which they speak...They are systematic ways of making sense of the world by inscribing and shaping power within all texts...[They are] associated with ‘discursive practices’: social practices that are produced by/through discourses ”(quoted in Baxter 7). For example, discourses provide us with ever-evolving ways of defining and orienting to ‘mental illness’ (Olstead 624).

Foucault and Butler use textual analysis and discourse analysis to emphasize how “language is a culturally constructed ‘system of meaning’ to which readers and viewers react and respond, thereby creating their own interpretations of situations, texts, and images” (Crawford quoted in Baxter 10; Philo 52; Olstead 623). However, unlike Foucault, Butler is more interested in the performative nature of identity and in how

language is “discursively produced” (Baxter 10). For Butler, the interpretation of what someone says or writes depends on their social positionality and on how their speech or writing relates to a “range of competing discourses”(10). Foucault’s post-structuralist writings are invested in “critiquing the ways...competing forms of knowledge, and the power interests these serve, aspire to fix meaning once and for all” (Baxter 23).

Post-structuralism is an appropriate theoretical approach to analyzing written media representations of Ashley Smith because it looks at how the mobilization of language (through phrasing and word choice, for example) impacts meaning (Baxter 24). I am interested in how the media circulates dominant discourses– created by large-scale institutional systems such as the law, government, and education– about Ashley Smith and her treatment within various total institutions, foreclosing how members of the public were able to understand her situation (Foucault quoted in Baxter 24-5). David Garland notes the media as an institution has a lot of impact on viewers and readers as it defines “what is and is not criminal [and] it is [at once] the ultimate source of the passionate reaction which motivates punishment; and...the beneficiary of the punitive process, being strengthened and reaffirmed by the social response to crime” (*Punishment* 50; Seddon *Punishment* 144-5). As an institution the media helps authorize penal practices as legitimate and necessary (Garland *Punishment* 268).

In opposition to the singular story of people like Ashley as exhibiting what Dorothy Smith calls, “mentally ill type behaviour,” (Edney 3) a feminist post-structuralist analysis as advanced by Baxter is committed to “polyphony.” Polyphony involves creating space for multiple perspectives and voices on a given issue which “do not necessarily fuse into

a single authorial account...” (Baxter 67). Given the range of voices I will be considering related to coverage of Ashley Smith’s death (lawyers, academics, government officials etc.) it is imperative that my framework allow for polyphony (Baxter 67; Halifax 2).

Contrasting articles and representations against one another draws our attention to how even while attempting to critique Smith’s transcarceration and death within the PIC, we are vulnerable to unwittingly accepting the assumptions made by those in their field of study (Ben-Moshe 397). For example Bernard Richard stated Smith’s self-harm has been called “attention seeking, manipulation, suicidal gestures or suicidal attempts, [but it could also have] started as an attention seeking behaviour and ended up being desperate calls for help...” (35). Also, Richard wrote, “on at least one occasion, Ashley was deprived of a weekend visit with her mother (in the supervised apartment on site), because she had misbehaved” (37).

Qualitative content analysis is based in literary theory, social sciences and critical theory such as Marxist and feminist theories (Krippendoff 17). This fits with my intention to attend to how gender stereotypes “grounded in myths about biological sex differences and women’s ‘innate’ psychological qualities” (Lowman, Menzies and Palys 171; Devotta, Wilton and Yiannakoulis 1861), affect how Smith was represented by Canadian print media. Considering the amount of context provided, such as attention to how personal and social history is interconnected, is important because definitions of madness, transgression and crime, “are historically and culturally specific, as are the types of sanctions and punishments evoked in response to socially proscribed behaviour....” (Mason and Mercer 128).

Discourse was strategically mobilized to construct images of Smith in the minds of readers. The governmental reports put out by Bernard Richard, the Child and Youth Advocate for New Brunswick at the time of Smith's death, and Howard Sapers, the current Correctional Investigator of Canada, were heavily quoted by the Canadian news media. The media effectively curated Smith's story through the images and texts of their coverage selecting certain aspects of Smith's life and experiences in prison while obfuscating others such as her indigeneity. Media representations affected the extent to which readers understood Smith to be human, and to have led a livable life prior to and during her imprisonment. To the extent that reporters and writers categorize and represent Smith as a dangerous and mentally ill offender, readers are led to understand Smith as someone whose loss cannot be grieved. Instead, positioned as a dangerous personification of mental illness, Smith is understood as someone who is a "non-person" or mere object (Shur 30-31, Butler *Precarious* 146-8; Wahl 351).

#### Neoliberal Logic and Institutionalization

John Lowman, Robert Menzies and Ted Palys observe the high prevalence of both public and private talk "about retribution, 'response-ability,' public safety and fear of crime" noting that these discussions generally only refer to "total institutions" (*Transcarceration* 7). Restricting an analysis of neoliberal and governmental policies only to total institutions, like the prison or the hospital, overlooks how peoples' ongoing dehumanization and pathologization participates in maintaining incarceration and transcarceration as viable and logical solutions to difference (Altheide *Qualitative* 21; Chunn and Menizes "Gender" 33). Lowman, Menzies and Palys note that what Foucault

dubbed the “carceral archipelago” is expanding across the social fabric leading to greater rates of surveillance and containment (transinstitutionalization) of growing numbers of “at risk,” or marginalized groups such as poor, mad, disabled, non-status, people of colour, or gender-non-conforming folks (*Transcarceration* 7). Sociologist Howard Becker concurs that deviancy (and stigma) is unevenly attributed to people based on the amount of political and economic power they possess (1963, 17). Once caught in the PIC “every possible little irregularity” in the behaviour of criminalized people surveilled for evidence supporting the belief they are monstrous, ungriveable, and underserving of freedom (Foucault *Abnormal* 56).

#### History of Psychiatrization

During the early twentieth century it was discovered “psy discourse and techniques could be used to ‘target those who were unable or incapable of practicing particular forms of individuality and sociality’ (122)—a targeting that moved in step with the concurrent politics of eugenics that constructed social problems of crime, poverty, and misery as problems of biological decay and deterioration” (Blackman quoted in Liebert 223). Thus the psychiatrization of individuals who are poor and impaired has a long history, so too does the psychiatrization of women who are understood to be “difficult” (Ussher 63; Bullock 115). Smith was a woman from a single-parent adoptive family, who was poor, fat, labeled with psychiatric and behavioural diagnoses, and had kicked out of both the public education system and public transportation systems (and non-white, depending on reports) (Zomlislisic and Donovan *The Life* 13). Smith’s relegation to spaces of “social death” (Biehl 189; Patterson 1982) continues this deathly legacy. Within spaces of social



death people like Smith are subjected to conditions of what Lauren Berlant terms “slow death” (“Slow Death” 754). Slow death is the systemic and eugenic “wearing out” of a population occurring in “zone[s] of abandonment” like psychiatric wards, nursing homes, and prisons that dehumanizes people by exposing them to conditions of “debility” (Puar “Coda” 1530) and by reconstitutes them as “human-animals” (Biehl 399). For Puar, debilitated people are those who under neoliberalism, are “targeted for premature or slow death” (“Coda” 153; Ben-Moshe 397). Racialized, indigenous, and female embodied people are particularly likely to be targeted and transinstitutionalized in Canada (McGil 107).

Seddon notes bodies Othered in this way have been likened to Foucault’s conception of the “monster” (*Punishment* 145). Throughout the print media coverage of Smith there is a pervasive assumption that readers do not have histories of psychiatrization, criminalization or institutionalization. Instead, readers are assumed to be approaching the text as voyeurs who are not personally affected by these histories. Seddon notes risk is unevenly distributed, resulting in people who have been psychiatrized, criminalized or institutionalized being more likely to be understood as a threat to the well-being of society as a whole (*Punishment* 7, 136-7). In turn this solidifies the idea that these people labeled as deviant are certainly nothing more than “monstrous individuals who are implacably evil, different, or pathological—unhuman” (Liebert 224; Olstead 625; Garland *Punishment* 270). Prior to the first world war sickness in society was assumed to result from macro-structures such as “poverty, social deprivation and class division” (Mason and Mercer 19-20). Subsequently, in the post-war era sickness was re-located as

the problem of disadvantaged individuals (19-20). Consequently, people once considered sick, different or under-serviced are now considered deviant, and morally wrong (19).

### Biopolitics

Foucault's concept of "biopolitics" is useful for unpacking how some people come to be systemically devalued and denied recognition as humans. Foucault defines biopolitics as an endeavour which began in "the eighteenth century, to rationalize the problems presented to governmental practice by [understanding individuals as parts of a population]" (*The Birth* 73).

Each time Smith was labeled as mentally ill and/ or criminal by the media, she was progressively represented as someone whose life did not deserve care. The danger of positioning psychiatrized and/or criminalized people in this way, is that over time these boundaries become solidified, and these classifications risk being seen as "natural, necessary, and true...[limiting] what we are permitted to think, say, feel, and do in any given situation" (Murray quoted in Jacob, Murray and Perron "Structural" 159). Jacob, Perron and Holmes note that mental disorders have long been used to construct "social deviance, such that individuals behaving outside the accepted norms were...criminalized [and] medicalized..."(5). Similarly, psychiatrization is the result of psy professionals <sup>xxv</sup>drawing "ever-more aspects of human behaviour under [their] scrutiny and control" through labeling and diagnosing behaviours which [they do] not understand (Laing 36-47).

Psychiatrization, follows five steps outlined by Mason and Mercer (57; Kleinman, Das and Lock "Introduction" xii). First, individuals are identified as being at risk of

developing a certain illness or disorder based on their genetics, behaviour, family history, race, class, or physical presentation. Second, people classified as being “at risk” are carefully surveilled by various state institutions for signs of mental/physical/behavioural difference. Once symptoms have been recorded, they are matched with an appropriate diagnosis. Subsequently, behavioural, medical, psychiatric, or rehabilitative treatment is prescribed. Lastly, a prognosis is given (57). The prognosis depends on the diagnosis, the classification of symptoms, the extent to which the patient has accepted the diagnosis, and the extent to which they have cooperated with and benefitted from the prescribed treatment. Those who do not comply with the recommendations, and fail to be “responsibilized”<sup>xxvi</sup> (Garland “The Limits” 452; Allspach 706) may be given a prognosis of being unrehabilitable, leaving them “considered inappropriate for life” (Biehl 400).

When reporters and journalists fail to attend to the violence of ripping a person from the “fabric of their previous life-world...[to be] infantilized and disempowered” (Leder 64-5) through processes of psychiatrization and medicalization, then representations in the media of Smith as mad, deviant, or criminal go unquestioned (Linder 3).

Consequently, there is little room to think critically about how Ashley could be imagined otherwise, or how we can potentially relate to some of Smith’s experiences.

#### Transcarceration

Within a society operating on capitalist logics, de-institutionalization brings with it the potential of freedom for previously institutionalized people, as well as the potential of “homelessness, multiple hospital readmissions, increased criminalizing, and notably, the increased solicitation of emergency departments to provide mental health services”

(Jacob, Perron and Holmes 15). This phenomenon has remained fairly consistent since the creation of total institutions in the West, although the justification for detainment has shifted over time from a promise to provide treatment (Foucault “Discipline” 18) to a desire to protect society from the figure of the “mentally disordered offender” (Mason and Mercer 7) who is a threat to society as a whole.

Transcarceration resulted in the spread of increasingly morally conservative ideology which facilitated the surveillance of ever-growing numbers of people (Lowman, Menzies and Palys 7-8). Amongst these people were those who failed to “maintain an optimal bodily appearance...to achieve intellectual standards...to control their emotions...[and to demonstrate] healthy sexual practices...” (Jacob, Perron and Holmes 7). Smith was pathologized not only by the official diagnoses attached to her and written in her chart, but also by the assumptions made by various professionals such as doctors, lawyers, therapists, psychiatrists, teachers, academics and journalists about what her embodiment as a fat, psychiatrized woman, and social positionality (as a woman with a grade nine education from a working class single parent family) meant (Chunn and Menizes “Gender” 36).<sup>xxvii</sup>

### Method

Prior to beginning my research on Ashley Smith’s life and death within the colonial Canadian PIC, I had some knowledge of and plenty of opinions about the case. I was aware that Smith had been framed in the media as mentally ill, and I was interested in looking at how psychiatric labels and terms referring to madness, criminality or responsibility were operationalized in the coverage following her death (McGil 108). I

was particularly interested in articles that framed Smith as suffering from BPD or ODD (for example, “The Life” 13). The presence (or absence) of the former is interesting to me because psychiatric diagnosis in general, and this diagnosis in particular (along with other diagnoses such as Pre-Menstrual Dysphoric Disorder), is most often stuck to women who are fat, rebellious, and flexible in terms of how they define themselves (Chrisler and Caplan 275; Shaw and Proctor 483).

Theorists like Kilty, LeBlanc, Wasserman and Ring, government officials like Richard and Sapers, and journalists like Diana Zlomislac and Vincent Donovan have charted developments in Smith’s story from 2007 through to 2013. I focus on media representations from 2007 and from 2013-2015.

Feminist analysis is important in the case of Ashley Smith because “[h]istorically the social construction of gender, derived in expectations that incorporate what is considered acceptable behaviour—such as: respectability; presentation of self; neatness and tidiness; ‘appropriate skills development’; discipline, respectfulness, and obedience; and the acceptance and adoption of stereotypical gendered roles and aspirations]—has had significant impact on women’s incarceration” (Mason and Mercer 25). Smith’s refusal to be obedient and docile, and to submit to any kind of treatment, humiliation, or invasion of privacy, is an example of her failure to “do gender” (Shur 10) in a way that indicated she had been successfully trained to act in a “docile and obedient manner” (Shur10; Garland 137). Criminologist Alana Barton writes about how historically women have been labeled as ‘deviant’ or ‘unruly’ in an attempt to “regulate, control and reform them back to an

appropriate standard of femininity” through meting out discipline and punishment (157; Allspach 706-709).

I conducted a three-prong search into media representations of Ashley Smith, attending to texts produced by the media: 1) prior to her death (2002 to October 2007), 2) in the months following her death (2007), and 3) years after her death (2012-2015). I searched the key words Ashley Smith death prior to 2007 on *Lexis Nexis* online database and found no relevant results. In order to see if there were any articles published about Ashley before her death in 2007, I searched “Ashley Smith and prison” between January 1<sup>st</sup> 2006 and October 14<sup>th</sup> 2007 (the day before she died) on Lexis Nexis in newspapers and state and federal cases. This also generated no articles on Smith. This means that at least amongst the articles and newspapers available online via LexisNexis, Smith’s life and death only became news following her death.

I looked at News Sources in Canada, and was provided 46 options. Of these, I included data from The Ottawa Citizen (Local), The Waterloo Region Record (Local), The Telegraph Journal (New Brunswick), The Toronto Star (Ontario), The Times and Transcript (Moncton, New Brunswick), St. John’s Telegram (New Brunswick), The Halifax Daily News (New Brunswick), Calgary Herald (Alberta), Globe and Mail (National), and finally Canadian Newspapers (a general option). I picked six unique sources and one general source in an attempt to capture the diversity of perspectives on Smith’s story. It was very important for me to be able to attribute the opinions expressed in the coverage to particular nameable individuals, because I believe Smith was disappointed by bureaucracies and by individuals failing to take responsibility for their

treatment of her (as seen by her lack of coordinated care, her multiple transfers, and orders passed down from managers to front-line staff instructing them not to intervene.) Victoria Law observes how women who “challenged the system” of the PIC routinely “face extreme levels of administration harassment [such as segregation]”(5-6).<sup>xxviii</sup>

I wanted to ensure I paid particular attention to the provinces in which she was raised (New Brunswick) and where she died (Ontario). I looked at the respective websites of all of the newspapers to determine which media corporations they were owned by in order to account for the variability in reporting angle (or lack thereof).

I found the *Ottawa Citizen* was owned by Post Media. Furthermore, I discovered Post Media also owned a national newspaper, the *National Post*. Post Media owned *The Toronto Sun*, *Calgary Herald*, *The Edmonton Journal*, *The Montreal Gazette*, *The National Post*, *The Leader Post* (Regina), *The Star Phoenix* (Saskatoon), *The Province* (Vancouver), *The Vancouver Sun* and *The Windsor Star* along with approximately 30 other daily local newspapers across Canada (“Post Media Dailies”).

I noted the *Waterloo Regional Record* was owned by *Metroland News* (a subsidiary of Tor Star Corporations (Metroland “Our History”). This media corporation also approximately 115 other Ontario based local newspapers (Metroland “Newspapers”).

I looked up the *Telegraph-Journal* (New Brunswick) and discovered that it is published by Brunswick News and is owned by James K. Irving. They also own the *Times and Transcript* and along with 17 other local newspapers and magazines “History”. I decided to exclude articles from *The Times and Transcript* in favour of *The*

*Telegraph-Journal* since the latter is provincially distributed and has a wider readership (“Telegraph Journal”).

*The Telegram* (New Brunswick) is owned by TC Transcontinental. This media corporation publishes over 200 community newspapers and ten daily newspapers across Canada (“About TC Media”).

I excluded editorials and opinion pieces as well as articles less than 500 words in length because I presumed shorter pieces, editorials and opinion pieces would contain less new information (such as quotations from outside sources, history about Smith’s life, and about the history of inmate deaths within Canadian prisons). I excluded articles that mentioned Ashley Smith’s name less than once in the body since I took this as a sign that Smith was not the primary focus of the text.

When the Canadian Press (CP), a National Canadian News Agency, was used as a source of information, multiple newspapers generated very similar or even identical material on the same date. If CP was used it was credited in the byline. When there were duplicate articles I selected the first one to come up in my search on *Lexis Nexis*.

I wanted to select a minimum of eight articles (average of one per source) and a maximum of ten articles in my search for the time period between January 1<sup>st</sup> 2007 and January 1<sup>st</sup> 2015. I aimed to ensure I had at least one article for each time period.

Unfortunately, there were no articles published about Ashley Smith prior to her death. In the period from October 19<sup>th</sup> to December 31<sup>st</sup> 2007, I arrived at 113 results. I conducted a convenience sample and included the first three articles which met all of my criteria.



I searched the key words “Ashley Smith” and “Prison” from January 1<sup>st</sup> 2012 to January 1<sup>st</sup> 2015. This generated 1576 results. Then, I specified “Borderline Personality Disorder. I selected the 23<sup>rd</sup> article based on its length and my interest in how the title claimed Ashley Smith died “in vain.” (“Perhaps Ashley’s Death). Since I found an unmanageable amount of data, I re-did my search using the terms “Ashley Smith” and “Borderline Personality Disorder.” This narrowed my results down to 915 articles. I selected the 22<sup>nd</sup> article “Ashley was a Baby” because of the terminology used in the title to describe Ashley Smith.

I wanted to know more about how journalists related to the stance of the Union of Canadian Corrections Workers, Sapers, and Richard on Smith’s death at Grand Valley and so I searched “Ashley Smith jurors.” This led to 635 results. The picked the 6<sup>th</sup> hit, an article by Blatchford, because it was the first article whose title suggested it would speak about the trial process.

#### Canadian Newspaper Coverage in 2007

I eliminated works where the name of the journalist was not visible since I believe displaying one’s name allows readers to understand that articles are written from the unique perspective of the journalist(s). This also helped to ensure diversity in content. I selected a sample of three articles from the time period: one by Melinda Dalton (2007), one by Peter Cheney (2007) and one by Rob Linke (2007).

I treat the articles in combination as a “stream of text” to examine how seemingly distinct discourses, created by different people, are interconnected (Hays 1969 quoted in Krippendoff 63-4). ECA enables the researcher to attend to the polyphony of perspectives

represented within texts, and between texts (88). This enables me to draw out “institutionalized patterns of thinking and acting” (73, 76) and to find alternate non-pathologizing ways of orienting and thinking about these texts (64; Olstead 625).

One example of a taken-for-granted idea pertaining to the Ashley Smith case is the notion she was mentally ill. This understanding of Smith is important since mental illness has historically been associated “with a self-reinforcing circularity of argument that suggests those who are mentally ill are violent and therefore those who are violent must be mad” (Mason and Mercer 47).

#### Psychiatric Diagnoses

Firstly, the media says that Smith was diagnosed with ODD (“How this Caged Girl” 11), “Conduct Disorder” (CD) (“Ashley Smith was a ‘Baby at Heart’” 5) and BPD (“Perhaps”), According to the *Diagnostic and Statistical Manual 5* (DSM V) put out by the American Psychiatric Association (APA) the criteria for ODD consists of three types of symptoms “angry/irritable mood, argumentative/defiant behavior, and vindictiveness” (APA 15). The diagnosis of ODD (originally referred to as oppositional disorder) and CD was first introduced as part of the transition from *DSM-II* to the *DSM III* (quoted in Paradini, Frick and Moffitt 3).<sup>xvix</sup> As Paradini, Frick and Moffitt observe, CD is described a more severe form of deviant behavior than ODD, involving significant violations of the rights of others and/or major societal norms (3).

I am particularly interested in the ways the label of BPD is stuck to women who are sexually active, are fat, and are creative— many of the attributes with which one can describe Ashley Smith. Jacob, Perron and Corneau notes that in the Emergency

department [ED], people diagnosed with BPD or suspected of being eligible for this diagnosis are stigmatized and positioned as *Other* (150 emphasis in original; Fish 212-3).

### The Feminization of Crime and Poverty

People framed as “at-risk” are heavily surveilled by state institutions like the hospital and prisons, and the professions of psychiatry, education, medicine etc. since they are seen as being risky and threatening. Goffman notes they are often stigmatized, and are precluded from being counted as human (*Stigma* 16; Altheide “Qualitative” 98)

Women (and genderqueer/trans people) are likely to experience systemic violence such as “poverty, racism, colonialism, ableism etc.” as well as getting caught up in the PIC (Jacob, Perron and Holmes 5; Shur 7-8; Chartrand 15). Processes of psychiatrization and criminalization participate in classifying women who are institutionalized as ‘mad’ or ‘bad’ (Seddon *Punishment* 12-15). Mason and Mercer observe that either of these labels can result in admission to the “isolation cell” within a prison or a psychiatric ward (25-6). I am not interested in arguing Ashley was either mad to rescue her from being categorized as a bad youth, or bad to rescue her from being categorized as non-sane (Seddon *Punishment* 28-29). Instead, I want to know more about why it was so important to Canadian print news media to categorize Ashley as either.

Foucault (*The Birth* 251) and Becker (“Outsiders” 9) draw out the parallels between the pathologization of inmates in both psychiatric institutions and prisons. They argue to the extent incarceration is premised on the violation of social norms, all incarcerated people are considered to be offenders. For Foucault, there are two forms of biopower directed at the “disciplinary body” and the “biopolitical body”. Firstly, discipline is

directed at the body in the form of treatment. For example, Smith was framed as an exceptionally body who needed to be held in, and who was so troublesome and so much in need of discipline that no institution wanted to deal with her .<sup>xxx</sup>Secondly, the body is imagined as “a member of a population subject to biopolitical regulation and normalization” (Murray and Burgess 136; Garland *Punishment* 270). Within the context of the prison, individuals are stripped of their individual identities and are cast in the generic role of the prisoner (Murray and Burgess 136; Allspach 716). Once nonconformity is labeled as “mental illness” inmates begin to behave in ways that fit this role (Eynon 3).

### The Mad Monster

Madness has a long history of being associated both with animality and with monstrosity. Jacob, Perron and Holmes note that during the seventeenth century in France, mad people became seen as monstrous and this led to their bestialization. Once framed as non-human, mad people were no longer regarded as citizens of society, but were instead positioned as threats (2). Seen in this way madness was not a choice, or a character flaw—instead it was a sign of biological inferiority.

Foucault argues the abnormal individual emerges through “three circles in which the problem of abnormality is gradually posed.” (“Abnormal” 55; Shur *Labelling* 187, 197). The first in this trajectory is the “human monster”, followed by the individual to be corrected, and then the “masturbator”... (Murray and Burgess 138). Diagnosed with BPD, criminalized and framed as so exceptionally deviant that she had to be transferred 17 times, Smith was made to fit into the role of the abnormal individual.

For Foucault, the “human monster” violates “the laws of society [and] the laws of nature...” (“Abnormal” 55-56). The human monster is understood as a fundamentally different being who acts so abnormally that they cannot be rehabilitated or treated. This fits with how Ashley was repeatedly evaluated and subjected to psychiatric examinations, themselves acts of violence wherein a person is written up and crafted into someone exhibiting “mentally ill type” behaviour, (Smith “K ” 37). This is part of a broader movement at the level of institutional discourse away from aiming to correct individuals and during the twentieth century, towards a focus on the “*delinquent life*” of the institutionalized person (Murray and Burgess 139 emphasis in original). Smith’s monstrosity was understood as threatening and “dangerous —or potentially dangerous— [for the] population...” (Murray and Burgess 139). Once the problem of deviancy was located within Smith’s body it was possible to frame and mark Smith as a “mentally disordered offender” (Mason and Mercer 3, 59; Schur 3, 22, 187, 197).

To the extent that the media represented Smith as both ‘mad’ and “criminal” or “monstrous” they participated in enforcing the idea that Smith was a “mentally disordered offender” who needed to be contained and treated (Mason and Mercer 3; Schur 3, 38). Through giving time and space to professionals working within the PIC and medical industrial complex, and to the concepts created and mobilized by these professions, the media validated the ‘master narratives’ of Smith as mentally ill and criminal. In turn, this did not give space for an exploration of other identities and statuses held by Smith, and for a search for alternate ways of making sense of her death (Schur 24).

As they accepted Smith's unrehabilitability by leaving her in segregation<sup>xxx</sup> and denying her access to the resources she rightfully requested, they locked Smith in a "self-reinforcing circuit" of deviancy (Mason and Mercer 33). Through responding to Smith as if she were non-human, prison officials solidified the idea in their minds, potentially even in Smith's own mind, that she was especially deviant. Thomas Scheff notes a person like Smith gets caught in a circuit wherein they are identified as a mentally disordered offender, monstrous, or as an ungrievable body through the intentional disregard of the "extremely high" rate of "unrecorded residual rule breaking" taking place by people who have not yet been psychiatrized or criminalized (quoted in Mason and Mercer 34).

Foucault writes, "monstrosity...is the kinds of irregularity that calls law into questions and disables it" ("Abnormal" 63). Monstrosity destabilizes and threatens the law. Consequently, monstrous bodies are therefore not protected by the law. I am interested in how Smith's acts of self-harm wherein she inflicted pain on herself, thereby transgressing the presumption that it is natural to avoid pain, were reported in the media. Was she represented as monstrous because of these transgressions? Self-harm, such as cutting oneself or attempting to strangle oneself, "disturbs the social by breaking the body imagery of completeness and wholeness. A tension is created by such harm loosening the bond between the individual and the community. The damage to self equates with damage to the group...The disfigurement becomes an increased stigma" (Mason and Mercer 7). Self-harm was "theologically viewed as sinful and evil during the Middle Ages (Bissland and Munger 1985), it was recast in contemporary times under the rubric of the disease model" (Conrad and Schneider 1992 in Adler 539).

According to Mason and Mercer, only those people who were “not permitted to re-offend” were allowed to become subjects of psychiatry (59; Linder 3; Edney 1). Thus Smith, who was charged largely for acts of self-harm, could only be seen as a psychiatric patient if she refrained from self-harm. Paradoxically, every time her self-harm was observed and documented, the idea that Smith was mentally ill was further entrenched. Understood as an exceptionally deviant inmate whose difference could not clearly be labeled as mad or bad, Smith was cast as a threat to herself and to others. This was used to justify her placement in segregation for periods exceeding protocol, and for her lack of access to treatment or assistance following the multiple psychiatric assessments she was forced to undergo (Donovan and Zomlisc *The Life* 20-22; Kilty and LeBlanc “Ashley Smith” 19).<sup>xxxii</sup>

While being denied access to treatment, Ashley’s supposed mental health problems were used to construct her as a risk to both herself and others. While CSC claimed segregation for twenty-three hours a day would enable Smith access to extra support, in reality it resulted in her being her being deemed a risky and dangerous offender who needed to be placed in segregation for her security and that of others (Rotenberg 154; Richard 41). The labels attributed to Smith mattered because they participated in decisions to classify Smith as “maximum security,” thereby making her ineligible for “reintegration activities such as work-release programs, temporary passes and other ‘privileges’” (Pollack 7). The only way to shift this label is for the prisoner to “choos[e] to comply with the carceral regime by engaging in risk-minimizing conducts such as participating in participating, in programs, refraining from self-injury and from injuring

others, and complying with the institutions regulations... [However, in order to ensure compliance it is necessary for] more disciplinary strategies of governing [to persist]" (Hannah-Moffat 186). Furthermore, segregation limited Smith's contact with others to such an extent that it precluded her from being able to build relationships with staff, thereby denying her the opportunity to demonstrate she was not monstrous or dangerous to others (Chartrand 15-16).

Moore and Scraton state women who engage self-harm, as Smith did, are regarded as dangerous within the context of the PIC (25). The treatment experienced by Smith is not unusual according to Pat Carlen, who notes that women diagnosed with "'personality disorders' faced a harsh regime [as professionals] viewed this condition as untreatable. They used their privileged, profession position to make '*judicial* judgments', including refusing to admit or transfer women to hospital" (210 quoted in Moore and Scraton 18 emphasis in original).

#### Sample articles 2007

I arrived at these articles by searching the key words "Ashley Smith" and "Prison" in Lexis Nexis, using only the specification of Canadian News Sources from January 1<sup>st</sup> to December 31<sup>st</sup> 2007. This generated 113 sources. I included the first two hits in my sample article. The third sample article I included was the fourth hit. I skipped over the third hit<sup>xxxiii</sup> because Ashley Smith was not the main subject of the search.

#### 1) "Deafening Silence"

The first article was written by Melinda Dalton, of *The Record*, discusses systemic problems within the Canadian PIC noting there were "indicators [it] was on track for



tragedy...[one such sign was the practice of keeping women] in segregation cells for months” (1). This practice of segregating inmates was criticized in the Arbour Report following the death by suicide of seven women held in segregation at the Prison for Women (P4W) in Kingston in 1994 (19; Pate 8-9, 51). The Arbour report concluded that prisoners are part of a ‘vulnerable population’ who are being held in places which can “complet[ely] negat[e] every principle of legality (1996: 183). Consequently, Grand Valley Institution for Women was designed with the goal of minimizing the amount of time women spent in maximum security/ segregation (Pate 8-9, 51).

Dalton describes how Grand Valley attempted to “reach out to the greater community as *Creating Choices* had envisioned” (32). For example, there was a pilot project where inmates worked at a heritage site, which Dalton notes is a ‘tourist attraction,’ nearby (38-39). Apparently community groups were concerned “programming for inmates was slipping, that too many women were being over-classified as maximum risk, and that the vision behind regional facilities like Grand Valley were being crushed by the stress of managing the prison ”(2). Dalton describes how difficulties building relationships with the community resulted in the development of community groups opposed to the prison (29). Dalton explains that community members were concerned because of past instances of inmates using opportunities to liaise with community groups to commit crimes, like credit card fraud (43). Dalton uses this description of illicit activity to validate the belief, expressed by one member of a community group, that inmates are dangerous and cannot be trusted.

Dalton describes how following P4W's closure in 2000, Grand Valley looked like it had great potential to be different. Here, women lived in "two-storey cottages had their own rooms, cooked for themselves and were required to attend school or work...[Also they had] their own correctional plan" (Pate in 45-46). Unfortunately, these programs and amenities were not accessible to all of the women (Pate in 51). Kim Pate observed the initiative "did not account for women who couldn't fit into the community living model." (in 62) Women like Smith who were framed as "very troubled" and who had previously been institutionalized at P4W, were amongst women who—according to an anonymous source in the article—were imagined as not being able to cope with this alternate living arrangement (Pate in 63).

The guards' union, the United Correctional Workers, immediately raised concerns that security wasn't tight enough to ensure the safety of staff and inmates in the prison-within-a-prison (64). The union's president said prisoners in maximum security holds "female inmates [who] can be extremely violent, extremely destructive and extremely self-harming" (65). The union was also concerned the maximum security cells are "the least visible unit in a prison [due to their] 'physical nature'" (85). While inmates diagnosed with mental illness were often sent there due to lack of alternatives they could not be surveilled to the same extent as other inmates (94-95). This was a quality and safety concern for the union ("A New National" 98).

Framing Smith as monstrous, and exceptionally deviant enabled staff to get away with not intervening in her death. Dalton writes that a spokesperson for Stockwell Day, declared, that prison staff have "fundamental obligations to act to preserve life unless

their personal safety is at risk” (118). This understanding of prison officials being responsible only for inmates who do not generate feelings of anxiety about their personal safety means that in a society permeated by systemic violences such as racism, sexism, ableism, sanism, which can generate feelings of discomfort and fear within people who interact with people they perceive to be non-white, non-male, non-able-bodied, and mad then the state workers are not responsible for the well-being of these individuals. Indeed, the World Bank has classified the provision of mental health care as a “discretionary category” meaning “the state is not responsible for that burden” (Kleinman and Kleinman “The Appeal” 12).

Dalton quotes heavily from Jason Godin as well as from Lyle Stuart both from the Union, thereby providing more space for inmates to be described as dangerous. At the same time, quoting heavily from the guards’ union allows the guards to be constructed as victims of a government that failed to governmental failure to provide adequate financial and staffing support for the prisons (98-100, 106).

The article mentions that requests for a tour of Grand Valley to speak with inmates, the commissioner, deputy commissioner, or warden were denied (3). A widely held belief held by journalists (like D’Amato) and politicians (such as member of parliament Karen Redman) alike is the notion that it is possible to get to really “know” an institution or to single-handedly hold an institution accountable even though institutions like the prison are constantly (re) constructed by and through social discourses (Olstead 624; Haller et al. 47). For example, Redman is quoted in Dalton’s article discussing her plans to meet “with the new warden and tour the facility in near future” (126).

Dalton fails to attend to the ethics of interviewing women who are being imprisoned, of their vulnerability, and the dangers that they would face if indeed the request had been approved and they had spoken out. Instead, she frames the Canadian Correctional Services' (CSC) "refusal to grant access" as the problem which inhibited the newspaper from "tell[ing] their stories" (5) thereby assuming that inmates had both a desire to tell their stories to the media, and the media was capable of reflecting the stories of inmates back at them in way that was recognizable to them. Assuming that journalists had not had experiences of institutionalization, and even if they had, they would not be able to tell the stories of those in the prison (Alcoff 7).<sup>xxxiv</sup> Alcoff convincingly argues it is difficult to distinguish *between speaking up for and speaking for* another person or group (9 [emphasis added]).

Indeed, I believe it was partly Ashley's commitment to speaking out to Kim Pate of the Elizabeth Fry Society, and to the warden and officials verbally, in writing, and through her actions that Smith came to be murdered. Speaking out in the context of a total institution was deadly for Smith. To request a tour of a facility where people are being detained against their will can be interpreted as voyeuristic. The very word *tour* solidifies the distance between the people touring (from the media) and the people being detained in cells (the people who are no longer seen as people) (Kleinman *Social* xvii; Butler 2004 1-18; Cohen *States* 168-9). Attending to how words are operationalized by Canadian print news media is important given "hegemony takes part through producing a consensus of what a certain term will mean, how they can be used, and what lines of solidarity are implicitly drawn through their use" (Butler *Precarious* 4). Butler notes the

frame “works both to preclude certain kinds of questions, certain kinds of historical inquiries, and to function as moral justification for retaliation” (4). A reporter or writer who does not locate themselves in their work nor acknowledge the limitations of their perspective, participates in creating hegemonic understandings of the subjects they write about (143). For example, the construction of Smith as definitively mentally ill or monstrous. Touring is an act which people do in unfamiliar spaces. It is also an act that emphasizes sight-seeing. The term sets up an expectation there will be things, stories to take back home. Touring implies a temporary stay wherein those touring do not intend to integrate into the culture they are visiting. Touring implies taking from the institution, but what is being given back to the women who are being detained and whose plight is being framed as good fodder for a news story?

Furthermore, Dalton notes, “as of November 20 [2007] 138 women called [Grand Valley] home” putting the number of people detained over capacity by thirty-five women (4). Referring to the prison as “home” for women detained there is not only cruel, but it also suggests that women who are institutionalized if and when they are released, will return back to prison. Such a reference to the prison is an example of what Sharon Holland calls a “killing abstraction.”<sup>xxxv</sup> Holland is referring to the systemic inattention to the very real deadly effects of being caught in the PIC which “isolates, treats, corrects, and contains [inmates]... thereby block[ing their] life chances” (Shur 3, 38). This is a long-standing phenomenon.<sup>xxxvi</sup>

2. Chained and Bound; Prison: Ashley Smith Was Kept Shackled in Segregation, New Information Reveals

Rob Linke of *The Telegraph* describes how Smith was restrained and bound at GV in graphic detail (1). Linke quotes Kim Pate who notes Smith was often tied up while imprisoned and he notes these restraints “may have violated Smith’s human rights” and beg the question why Smith was “in prison at all” (in 2-3). Mason and Mercer note that restraints are used similarly across total institutions such as the prison and the psychiatric. However, the justification for their use is context-specific. In the case of the former, restraint is “ostensibly therapeutic, whereas for the criminal they are allegedly punitive” (29).

Pate notes she “can’t imagine a scenario where it wouldn’t violate her human rights,” and even if it could be imaged as legal, Ashley still “should have been sent for a full psychiatric assessment” (in Linke 4). Pate’s proximity to Smith as someone who “knew Smith and last saw her alive less than a month before her apparent suicide...” (4) is used to lend credibility to the article. Linke observes a similar inquest into an inmate’s death occurred at GV in 2004, leading to criticism of the prison’s failure to provide “24-hour medical care, the proper first aid training for staff and medical equipment such as a defibrillator ” (11). The apparent reason for lack of 24 hour nursing according to MP Redman is cutbacks. A year later, only staff training had improved (12). Both the Canadian Human Rights Commission and Her Majesty’s Inspectorate of Prisons investigated GV. The latter found GV “relied too heavily on segregation to protect and control prisoners” (12). Linke describes how another federally sentenced woman, Payette, who was indigenous, asked “for a federal sentence, believing she would get treatment unavailable in a provincial jail. [However, conflicts with others landed] her in

the mental health unit, where she became increasingly isolated, [leading to her death by suicide.] On the eve of the mandatory inquest into her death, corrections officials intervened to muzzle a psychologist who wanted to testify as an expert witness about the inadequate services available to mentally ill prisoners” (21; Poland and Caplan 14; Allspach 713). According to Pate, the offences constituting Smith’s cumulative 73 month sentence almost all occurred in prison. These charges included: assaulting a peace officer, falsely reporting a fire, uttering threats, theft and assault”(25). Pate reported Smith “feared spending her life in prison after being told she might be declared a dangerous offender” (26).

### 3) How Prison “Only Made Her Worse”

This article by Peter Cheney, of *The Globe and Mail*, observes that incarcerated women receive fewer visitors than their male counterparts (25). Perhaps this is because illegal activity is seen as more of a gender role violation for feminine presenting people like Smith. Women understood to be either mentally ill and/or who defy conventional gender roles is “a primary reason for women’s entry into the criminal justice system” (Mason and Mercer 25; Seddon *Punishment* 36-37). He also reports that when Smith was 15, she threw crab apples at “the mailman because ‘someone told [her he] delivered the welfare checks a few days late....I’ll show him,’ she told a friend” (1). While statements like these could be seen as evidence that Smith was vengeful and sadistic (as a psychiatrist argued), they can be seen as Smith trying to look-out for the welfare of her friends and family. Smith’s working class background taught her about the difficulties her neighbours would face without access to their cheques.

Cheney says relative to others Smith was amongst “the youngest [of the prisoners] ...and her charges were relatively minor” (24). Also, he notes Smith was placed in segregation in at least four federal institutions, and that this “preyed on [her] mind” (27). Through categorizing Smith amongst those whose minds “preyed on,” he makes it seem as though inmates who engage in self-harm are weak. Also, through setting up the dichotomy wherein Smith and those who are “like her” are framed as minds fundamentally different those of his readers, he presumes readers have never engaged in acts of self-harm and have never been institutionalized.

Kim Pate said while regional women’s prisons were meant to be an improvement on “large prisons...[like the old P4W, but], over time [it became] hierarchical [and] male-dominated” (16). An anonymous prison worker called the conditions of Smith’s confinement enough to “test any human being...[and would result in the development or exacerbation of] psychological problems...” (18). Pate attempted to humanize Smith by emphasizing how the effects of institutionalization like removal from one’s community, friends, family, (8) and the instilment of an identity as a ‘prisoner’ (Goffman *Aslyums* 22; 132; Garland *Punishment* 268), would drive anyone mad since subjectivity is produced and supported through a wide “range of social institutions.... (271; Carlen “Law” 618). A neighbour was quoted congratulating Smith for taking action in the face of injustice (by looking out for her neighbours) (2). A former inmate also validates Smith’s actions. She observes how it is “easy to lose hope in segregation” (28). A guard is quoted saying Smith’s daily attempts to kill herself “wore everyone down” (11).



The systemic framing of some people as deviant persists even though social scientists like Howard Becker or Dorothy Smith concluded that there is no objective basis for psychiatrized or criminalized people to be framed as “diseased” (“K” 37). Karlene Faith writes, women labeled “disorderly or uncooperative...gain direct knowledge of the foul segregation units...” (241). Their pathology and deviance is to blame for their deaths. According to Mason and Mercer people categorized as “mentally disordered” fall under four broad categories “a) psychoses, b) neuroses, c) personality disorders and d) mental impairment...” (21). Paying attention to the presence or absence of these categories helps to draw out the extent to which the Canadian press accepted and/or reified the notion that Smith was a mentally ill offender.

2012-2015

Similarly to my search for articles written in 2007, I searched Ashley Smith and Prison between January 1<sup>st</sup> 2012 and January 1<sup>st</sup> 2015 this generated 1576 results. To narrow these results I specified “Borderline Personality Disorder.” This led me to my first sample article (the 23<sup>rd</sup> hit). I picked this article because not only was it a lengthy news article written by a named author Luisa D’Amato, but the title suggested that readers assumed Smith’s death was “in vain” thereby appealing to my interest in the extent to which Smith was valued in life, and the extent importance was attributed to her case after her death. Richard notes Smith’s treatment may “have easily gone unnoticed had it not been for her tragic death” (7).

#### 1. Perhaps Ashley’s Death, Inquest Wasn’t All in Vain

Luisa D'Amato of *The Record* (December 20<sup>th</sup> 2013) asserts that Smith “suffered from [BPD]...It's very difficult to treat this illness. There are no medications for it... If the therapy happens in a group, other members of the group may get threatened” (16)<sup>xxxvii</sup>. She frames Smith as an exceptionally deviant inmate who is a threat to herself and to others, and noted, “most inmates have a least one diagnosable mental illness....”(17). Thus processes of criminalization and psychiatrization are interconnected. D'Amato frames BPD as a particularly taxing mental illness, which would require more psychiatric intervention than a prison can provide. She suggests so-called mentally ill inmates are not worth this intervention as it would require salary increases for staff (17).

D'Amato wonders what other strategies could be used instead of segregation in the case of a violent prisoner who “can't be near other people without attacking and injuring them” (18). By positioning BPD, described as a disorder causing angry outbursts, next to the description of segregation as a reasonable space for inmates who are understood as posing a threat to themselves or others, D'Amato yokes BPD, segregation, and Ashley together as an unfortunate yet inevitable trifecta. D'Amato validates the usefulness of inquests in cases of “suspicious death,” yet her previous discussion of Ashley as a person who suffered from BPD suggests that she believes Ashley was dangerous and exceptionally deviant in life and as a result her death was not suspicious. She represents Ashley's placement in segregation as necessary for the good of everyone else. In order to frame Ashley as hopelessly mentally ill, D'Amato distracts readers from the jury's finding of homicide and from the contentious nature of Smith's apparent mental health

issues. Instead of encouraging readers to remain infuriated, uncomfortable, and curious about alternate ways of interpreting Smith's death, D'Amato advocates for the inquest to stop.

D'Amato tells readers that Smith's death was determined by a jury to be homicide and that this decision was made to flag the belief "the actions of other people contributed to Smith's death. Managers had told the guards to wait until Smith stopped breathing before they could go into her cell and cut the cords she repeatedly tied tightly around her own neck" (4). By emphasizing the role of managers who apparently passed down orders to the guards, who were simply doing their jobs, D'Amato defends the guards' innocence. What is most troubling for me about the way D'Amato frames Smith's case is the omission of the connection between the violation of prisoners' rights as a systemic problem within the Canadian PIC. D'Amato observes there were 104 recommendations made by the jury following their determination that Smith died by homicide (9).

However, D'Amato fails to locate Smith's story within a broader context of psychiatrization and dehumanization of people caught in the PIC even though scholars such as Shoshana Pollack have specifically named prisons as sites of violence which perpetuate forms of systemic violence and uphold neoliberalism (32; Foucault *Discipline* 137). Consequently, this leads readers to the conclusion that both the violences inflicted on Smith, and Smith's reactions to these systemic forms of violence, are exceptional and isolated.

The Other shores up the boundaries of who can be imagined to be part of "the Public" a "population whose lives and livelihood are perpetually at risk" (Murray and Burgess

141). In the Emergency Department short stigmatizing labels are used to refer to supposedly problematic patients who are not seen as suffering from a legitimate illness. The term “the borderline” is one category. Other examples include “the overdose,” “the homeless,” “the violent,” “the psychotic ” (Jacob, Perron and Corneau 150). The label of the “offender” is another example of a term used to describe someone who is judged to be “at-risk of re-offending and threatening public security” (Murray and Burgess 141) and thus exists on the margins of society even after being released from prisons. Just as the mad person who once labeled is never able to shake off the stigma of the label, or the suggestion that perhaps the label had merit, the (mad) offender is always positioned as at risk of committing a criminal act (Mason and Mercer 32; Allspach 720). The over-diagnosis of BPD in poor women like Smith is partly done to make it appear as if the medical profession increasing its capacity to get patients the “help they need” (Fish 212; Allspach 706).

I applaud D’Amato’s criticism of the desire to get over the trauma of the case and to forget about it in an attempt to “feel better” (9). At the same time, calling the recommendations “expensive, problematic and unrealistic” encourages readers to not imagine a society where people would not die in violent ways resulting from systemic oppression like Smith did (9). Some of the recommendations which she uses to demonstrate the unfeasibility of the recommendations include “Segregation of inmates should be prohibited after 15 days; [A prisoner put in restraints receives] one-on-one therapeutic support for the whole time she's in restraints; Female inmates with serious mental health issues should serve their sentences....in federally operated treatment

centres where they would get lots of therapy” (11-15). I do not believe segregation or restraints should be used or that imprisoning someone in a “treatment centre” is any less violent than imprisoning them in a jail. If these recommendations are unfeasible, they are only such to the extent that disabled and psychiatrized people like Smith are valued in society. To the extent journalists like D’Amato frame reforming (or dismantling) the PIC as “expensive” they are perpetuating the idea that people like Smith are not in need of care, and are even if they did need it they are not deserving or worthy of it. According to Pat Carlen, female-identified prisoners are ‘defined out of existence as being beyond care, cure and recognition’ (*Women’s Imprisonment* 17). Thus, in putting a price tag on the lives of inmates like Smith, D’Amato participates in framing Smith as an ungrievable and monstrous body.

D’Amato describes the inquest, which in getting people to talk about what happened to Smith is allowing the Smith case to be contextualized with a history of past and current systemic violence with the PIC, and is a potential consciousness-raising opportunity for the masses, as a “very expensive form of group therapy, a mass tranquilizer” (20). To say that the inquest is helping people feel better is overly-simplistic. While I agree with her that governmental reports such as those put out by Richard, Sapers and Arbour are idealistic in nature and are not-legally binding, this cannot be used as an excuse not to heed their recommendations.

D’Amato notes that prisons need to be “improved for mentally ill women inmates” (1). She describes Smith as “a self-destructive teenager who strangled herself to death in a Kitchener prison in 2007, while anguished guards watched” (2). Labelling Smith as

self-destructive, positioned Smith herself as the one responsible for the circumstances of her death. Through emphasizing Smith's unwillingness to "empower herself", attention is taken away from the inhumane ways with which the CSC categorizes prisoners, pathologizes their behaviours and suffering, and dictates which services they can access inside and outside of the PIC (Hannah-Moffat 170-175).

On the other hand using the adjective "anguished" to describe how the guards felt while watching Smith choke herself in close proximity, has the effect of humanizing them, and representing them as emotive, thereby attributing to them the potentiality to be empathetic and caring. Perhaps they also felt frustrated with Smith, for making their jobs difficult, or maybe they felt hate towards embodying the Other, the ungrievable, the monstrous. I believe these violent ways of thinking about psychiatrized, poor, and criminalized people like Smith participated in the guards' decision to adopt the role of "internal" bystanders as opposed to attempting to intervene (Cohen *States* 18, 142). We can't possibly know how the guards were felt as they stood by and witnessed Smith's death. However, using the term "anguished" is a tactic to make readers feel for the guards. To the extent Smith is framed as "Other", ungrievable, and the antithesis to the emotive, empathetic, human guards, readers are prohibited from feeling for Smith.

Also, this adjective allows readers to ask what was causing the anguish that the guards were feeling. Framing Smith as the reason for the guards' anguish positions her as the source problem, and framed in this way Smith's humanity is denied to her. Attributing the guards' anguish to Smith also distracts readers from other potential contributing factors. For example, perhaps the guards were anguished because they didn't

like how Smith was being treated. Choosing to describe the guards as “anguished” excuses their failure to intervene. Presuming that the guards felt “anguished” watching Smith’s death asks readers to sympathize with the guards, and to feel sorry for what they were forced to witness. In this way Smith is re-imagined as not only the victim (at her own hands), but also as an unfeeling, manipulative person who was intent on not only hurting herself, but also on hurting the guards. In this way the systemic violence enacted by the PIC, and carried out by individual guards and service providers is obfuscated.

Butler argues that when the nation state declares a crisis, laws themselves are no longer legally binding, they can be broken in the name of national security (*Precarious* 3). Which leads the question: who does the law protect? Regardless of the extent to which the verdicts are legally binding, they are useful in attempting to understand how Canadian Correctional officers handled being held responsible for Smith’s death. Using the government documents like the reports written by Sapers or Richard provide me with the opportunity to attend to the ways discourses are created and mobilized affecting how readers orient and limit the range of ways we can imagine orienting, to Smith’s story. To use these official texts in other texts is one way to ensure that they do not remain static, thereby undermining any illusion that are official, untouchable texts. Finally, I appreciate how she calls on readers to remain aware of what is happening in the world as news evolves and reporting is ongoing (18). Kim Pate observed Smith’s “human rights and...Charter rights were violated” (quoted in Cheney 9).

Applying a psychiatric or criminal label to a person allows for their past behavior to be analyzed through the lens of criminality and psychiatry. In turn reading all of their

behaviour in this way can lead to the assumption that madness and criminality are innate, and they “must have been like that all along ”(Garfinkel quoted in Mason and Mercer 36). This expectation is not extended to other members of society who have not yet been caught up in psychiatric or prison systems. This stigma persists even though scholars like Mason and Mercer argue, “many of the women who enter the forensic services present a greater risk to themselves than to others...”(Mason and Mercer 65). Mason and Mercer observe rates of incarceration in total institutions, such as the prison, psychiatric ward, or juvenile detention centre, is “primarily class based” (31). “The ‘pains of imprisonment’ (Sykes 1958) for women are mediated by gender, class, culture and ‘race’...Disciplinary procedures, strip-searching, physical restraint, use of punishment and isolation cells and access to education, health and other services are among the key practices experienced differentially...”(quoted in Moore and Scraton 17).<sup>xxxviii</sup> The retelling of these violent and violating procedures by the media are to “address a wider population-to speak to potential offenders and to the public at large...and in this way it operates...by means of symbols, signs, declarations, and rhetorical devices (Garland *Punishment* 250). The multiple professionals who diagnosed Smith with mental and or behaviour disorders, and the non-professionals who did not contest these diagnoses, participated in Smith being permanently excluded from society.

Given the large number of results, I decided to re-do my search before looking for more sample articles. Using the same date, I typed in the key words “Ashley Smith” and “Borderline Personality Disorder.” This generated one-hundred-and-fifteen results including my second sample article.



## 2. Ashley was a Baby at Heart

Zlomislic and Donovan from the *Toronto Star* (December 15<sup>th</sup> 2013) call Ashley a girl. They down-play the trauma of being institutionalized for the first time, especially at the tender age of fifteen, when they say Smith packed “for youth jail like a kid going to camp” (1). Ashley’s pathologization dated back to the age of ten (Richard 15). They write that puberty “brought out a more intense, rebellious side of Ashley Smith” (2). This implies that Ashley’s raging hormones were responsible for her behaviour. This is a similar argument North American doctors made in the nineteenth century, when they diagnosed women with hysteria and prescribed vibrators and rest (Gunn and Potter 23). Micale observes how today “[m]uch of the case material that constitutes ‘the history of hysteria’ would almost certainly be classified...as either organic disease, psychotic or borderline disorders, non-hysterical neuroses, or perhaps as not sickness at all” (43). Micale writes that the “*neurologization* of [hysteria]” that took place in the late 19<sup>th</sup> century, “was a valuable tool in the process of discipline-building” for psychiatry (70). The misogyny of medical texts “through the ages” enabled hysteria to be used as a “medical metaphor for anything male observers found mysterious or unmanageable in the opposite sex” (Micale 93). In the forward of *Hysteria* an author argues, “Hysteria has disappeared from contemporary culture only insofar as it has been subjected to a repression through the popular diagnosis of [BPD]” which rose to popularity in the 1950’s (in Bollas i; 189). Potter notes that 75% of those diagnosed with BPD are women (6; Ussher 66).

For Foucault the problem is not madness, but the disintegration of a “common language” between madness and reason wherein “madness” came to be framed as “mental illness” at “the end of the eighteenth century” (*Madness* x). The framing of certain people’s stories or perspectives as being mentally ill and disposable was made possible through the burgeoning field of psychiatry, enabled for a psychiatric “monologue of reason about madness” (*Madness* xi; Smith 26-27). Additionally, “the prevailing view of the mature, psychologically healthy, and morally responsible person has been male, and critics have come to dub this normative view as *the autonomous man*” (Potter 29). This autonomous man is likely to also be heterosexual, cis-gendered, white, middle-class and able-bodied. In other words, the “autonomous man” embodies the figure Garland-Thomson terms the “normate”(8). In comparison, females are thought to be “deficient in rationality and objectivity,” leading to more of their behaviours and actions being pathologized and psychiatrized and to non-stigmatized, male bodies being constructed as normative (Potter 29; Goffman *Asylums* 135-138). These standards also apply to the PIC (Hannah-Moffat 176).

Zlomislic and Donovan note Smith’s teachers described her as “disrespectful” of their authority (3), When she was thirteen she was apparently suspended from school six times, resulting in her being transferred to an alternative school (4). Zlomislic and Donovan cite as evidence of Smith’s apparent deviance, that she made “many long-distance calls...to chat lines...[and] her interactions with her peers typically ended in fights” (5). Speaking on chat lines and fighting with peers could be framed as signs of aggression and a disregard for the well-being of others. On the other hand, since Smith

was framed as “disrespectful” and marked as a “bad” student, her peers, or their parents, didn’t like her and thought she was a bad influence. Women marked as “criminal” and “at risk” like Smith are often caught in a cycle of re-institutionalization and transcarceration. This cycle has both material, practical and intra-psychic impacts on their lives (Chartrand 15; Shur 3, 39).

Speaking on chat lines long-distance to me seems like something someone who was very lonely, and who was craving human interaction would do. This especially makes sense if Smith was not getting along with her peers, people who by virtue of their similar age and location, kids are taught they should get along with. Zlomlislic and Donovan, committed to the narrative that Smith was deviant, note that when she was fourteen in March of 2002 she was charged with “offences related to public disturbances, trespassing or violence...[and transit officials] banned her from riding the city's buses because of complaints that she insulted passengers and drivers” (6). This was when her mother had her assessed by a psychologist who did not provide a specific diagnosis, but said she had “some kind of conduct disorder.” Following this, she was sent to a psychiatrist, who recommended she better perform femininity by “los[ing] weight and get[ing] treatment for her acne.” Coralee recalls (7). Subsequently Smith was “sentenced to probation...[and] enrolled in a support program that was supposed to be an alternative to jail. The program didn't work” (8). Before being sent to New Brunswick Youth Centre (NBYC) in April 2003, Smith had already been labelled “with a learning disorder, attention-deficit hyperactivity disorder, borderline-personality disorder and ‘narcissistic

personality traits””(12). Experts also recommended that her parents seek guidance on how to deal with an “oppositional defiant youth” (12).

Louise Armstrong notes that labelling youth with BPD is quite common (103). I would imagine this is especially true in the context of total institutions where psychiatric labels can be used, for example by NBYC to maintain that they provide “compassion and discipline” to youth (Zlomislic and Donovan 13). However, the centre was inflexible with Ashley, holding her responsible for “more than 30 incidents,” and repeatedly re-incarcerating her after she was let out on probation (14-15). They quote Ashley’s friend, Jessica Fair, who said she and Ashley would read to each other (19). For Jessica, Ashley was so memorable she named her son Ashton in honour of Ashley (19). Jessica says Ashley was a “ ‘baby at heart’. She was never a violent person” (20). Yet, every one of the 500 times Smith was brought in front of NBYC’s internal court for bad behaviour she was found guilty (21). Smith’s file allegedly exceeded 1000 pages. The length of the document alone flagged Ashley as a problem inmate. They observe Smith wrote often to the managers, and there was a “vast amount of communication between Ashley and her keepers [that] happened by pen and paper” (22). Yet, if nothing that Smith was asking for was approved, and if her attempts to write to the managers did nothing to shift her placement in segregation, I don’t believe management can truly be said to be communicating with Ashley. To communicate with Ashley requires first and foremost recognizing her humanity and ensuring that she her human rights under the Canadian Charter and the United Nations are not violated. Communicating with Ashley would have required dialogue which did not happen through a meal slot, but to the extent Smith was

placed in segregation, this was not possible. In choosing to lock Smith in segregation, a space of social death, staff consciously chose not to communicate with her (Cesaroni and Peterson-Badali 569).

Zlomislic and Donovan write about Smith's attempted to advocate for not only herself but also for others (23). In making these requests I believe Smith was trying to prove to staff that she was a caring, sentient human, who deserved to be treated as such. I also think in making these requests, for example "for vegetable as snacks instead of muffins" (23). Smith was trying to construct herself as health-conscious person, who was invested in managing the size of her body, and who was invested in coming as close to the normate as possible. However, they note this request was amongst those denied (23). Every note that Smith addressed to the guards can be seen as an attempt on Ashley's part to provide an alternate narration of her story. Through writing letters to the prison staff, almost all of which Zlomislic and Donovan recount contained the "words 'please' and 'thank you'" (24). Ashley was trying to save herself from being irreparably framed as ungrievable and socially dead. Smith attempted to show the guards her manners to prove that not only was she capable of socializing with others, but she needed to do so.

Apparently, during face-to-face interaction with staff Smith would insult and throw things at staff or pull the fire-alarm, resulting in criminal charged being laid at least twenty-four times (25). Since staff didn't listen to most of Smith's polite written requests, it makes sense that she would attempt to communicate in a different way through her behaviour. Furthermore, I suspect many of the offences described above, would not

normatively be charged outside of the context of a prison, but because they occurred in a prison by someone who was criminalized, she was charged.

Zlomislic and Donovan write that Ashley was considered so deviant and unrehabilitable that the staff decided to longer abide by a “therapeutic model of care” (26). Once it was decided that Smith was no longer worthy of the model of care the prison promised to provide to inmates, Smith’s positionality as an exceptionally deviant inmate was solidified. As an exceptionally deviant inmate, Smith was treated in exceptionally violent ways such as being “pepper spray[ed]...[and put in a] head-to-toe, cocoon-like restraint called a ‘wrap’ to control the young inmate. Her appeals to enter an anger-management program were rejected because of “bad behaviour” (26). Subsequently Smith began “tying strips of cloth around her neck to self-asphyxiate” using torn up items of clothing. She attempted to do this over 150 times while in youth detention (27). Despite the frequency of her attempts, Coralee said the youth centre never told her about it (28). Instead, they reacted by sending Ashley to solitary confinement if she wasn’t there already (29).<sup>xxxix</sup> Subsequently, I wanted to know more about how the Smith case came to be precedent setting so I typed in Ashley Smith jurors. This led to 635 results. The sample article I picked was by Blatchford was the sixth hit. I picked it because the title suggested it would speak about the trial.

### 3. Ashley Smith Jurors Muzzled During Mom’s Testimony

This article written by Christie Blatchford of *The Gazette*, says the jurors “appeared always to choose the boldest and most extreme options - now, a verdict of homicide...” (3). In naming the decision to set a precedent by calling the institutional death of Smith

the “boldest and most extreme” Blatchford demonstrates her surprise at the value the jurors attributed to Smith’s life. Her perspective that Smith is not worthy of this designation becomes clear when she goes on to describe (and label) Smith as nothing other than a person amongst many other “young, severely mentally ill women behind bars” who are especially in need of help (4). By positioning Smith as one amongst many other pathologized women prisoners, Blatchford attempts to label Smith as mad, presumably in an effort to rescue her from being seen as bad and responsible for her crimes. Her descriptions of Smith are at times infantilizing. For example, she says Smith had a “sweet smile” (5). She also positions Smith as someone who was governed by an “unrelenting sickness that had her strangling herself multiple times a day...” (5). Smith is stripped of agency in the text just like she was within the PIC. Then, Blatchford attempts to take away the possibility that attempting to kill oneself within the PIC—which many have argued is itself deadly as it deprives inmates of the material and social resources which they need to thrive, thus forcing them to exist within spaces of social death—could be seen as understandable. Blatchford clearly pins the problem of Smith’s death on Smith’s faulty mind and body, even though the jury has just determined the state and workers at the PIC failed to provide Smith with the conditions to enable her survival. Blatchford’s article attempts to re-interpret the Jury’s valuation of Smith’s life, by insisting that Smith’s death was not a crime based in systemic forms of discrimination against psychiatrized, criminalized and poor people, but an individual act of a mentally ill woman. This is the same narrative constructed about Smith by Bernard Richard (7). The jurors found Smith’s death to be a homicide. According to Dr. John Carlisle, the Coroner,

homicide in an inquest can be made if “there's any evidence a person or group of people by their conduct contributed significantly to the death of another” (16). She notes that juries “have no legal authority to force government or institution to implement their wishes. They have only moral authority, and the power of public opinion forged by the bright light of attention” (18). Coralee said she was relieved about the verdict because it means “someone besides Ashley was responsible for her death” (28).

For Blatchford, Smith is “the very embodiment of all that can go wrong” (5). Literally then, Smith’s poor, fat, female body that deviates so far from the feminine ideal is the problem. As a result of sexism and feminine role stereotypes women who break the law are constituted as monstrous, deviant, failures who “posses[s] few positive traits”(Altheide “Qualitative” 97) in opposition to the “normal” viewers and readers of the news (Mason and Mercer 65; Altheide “Qualitative” 36-42).

Blatchford acknowledges Smith’s initial charges resulted from “minor offenses,” and at the same time she accepts Smith is mentally ill, she creates a narrative wherein Smith’s “bizarre self-harming behaviour exhausted one institution after another” (8).

Understanding Smith’s death in this way disavows the systemic failure of institutions to care for Ashley, as per the Jury ruling. Thus, Smith’s deviancy was a threat to society as whole, even though she acknowledges Smith’s initial charges resulted from “minor offenses”(8).

Blatchford reports Smith died with “one of her homemade ligatures wrapped tightly around her neck...”(9). Referring to the cloth Smith strangled herself with as homemade is violent on multiple levels. Firstly, in referring to it as homemade Blatchford erases how



prison is the antithesis to home, which by definition is a free space people create. Therefore as the prison is not home, the ligature is not homemade. The term homemade brings to mind items made with care and good thoughts by family members or friends, it is something which one can be nostalgic about. To describe a ligature, which Smith crafted desperately out of any material she had and which she kept for herself in the hopes that it would enable her to end her life, as homemade is inaccurate. Furthermore, the description of the ligature as being “wrapped tightly around her neck” is another example of a killing abstraction as it makes the ligature sound like a warm scarf which a mother would wrap around her child to protect them from the cold. It turns an institutional level of neglect resulting in a brutal death, into an individualized choice which presents a cozy solution (9; Seddon *Punishment* 24-5).

Blatchford attempts to rescue the correctional officers from being held responsible for Smith’s death. She says they are the “only people [aside from a few ‘mid-level correctional managers’] in authority who actually knew Ashley and cared about her” (10). In considering only the people working directly in the PIC as those who could care for Ashley, Blatchford overlooks all of Smith’s family, friends, and acquaintances from outside and inside the PIC. In distinguishing the front-line guards from supervisors and psychiatrists, Blatchford goes against the evidence that the guards, like the psychiatrists and upper-management, failed Smith. In another attempt to blame Smith for her own death, she notes Smith “often blocked the window and camera...and hid herself from view...”(12).

Blatchford notes the “jury heard from 83 witnesses in 10 months...”(19). She criticizes what she calls her “obsession” with the case, noting that her writing about “nuances to nuances within testimony...dull[ed] readers and editors [who] were begging me to stop going” (21). In critiquing her own interest in the Smith case, she is in a way criticizing the extent to which she let the case affect her, and haunt her, as if there we can control how and when we are moved by the suffering of others without losing our ability to empathize and connect with others. Blatchford groups Smith amongst those who are “too vulnerable or ill to [advocate for] themselves” (23). However, this discounts the many times Smith tried to communicate her needs in writing, verbally, through her actions, and via visitors, that went unattended to. The problem wasn’t that Smith was ill, but that she was framed as exceptionally deviant and ungrievable, and this precluded her concerns from being attended to. Blatchford presents BPD as “probably... one of the most difficult-to-treat mental illnesses...” (30).

4) Ashley Smith had Severe Personality Disorder, Psychiatrist Tells Inquest  
I found this last article by searching the terms “Ashley Smith” and “Borderline Personality Disorder” and received 147 hits. To narrow down the results, I specified “personality” again. This article was the 19<sup>th</sup> hit. I included it because of the adjective “severe” which painted Ashley as not only suffering from a mental disorder, but being exceptionally deviant.

Blatchford describes BPD as “complex and difficult to treat” (1). In this way, she constructs Smith someone who is not only exhibiting mentally ill type behaviour (Smith “K” 37), but whose deviance is exceptionally extreme and noticeable. Blatchford cites

how Jeffrey Penn (psychiatrist at the Nova Institution for Women in New Brunswick) “told the jurors Ashley had such a severe personality disorder she didn't have the social skills even to move from the prison's segregation unit to its maximum-security pod” (in 3). His assessment was based on him having seen Smith four times between late 2006 and summer of 2007(4). Blatchford relies on ableist language to describe the correctional officers' failure to respond to Smith as she strangled herself, noting the officers were “paralyzed by new orders not to race to her rescue, proved fatal” (6). In blaming the orders themselves, instead of individuals or institutions for failing to care for Smith, Blatchford participates in absolving prison staff for their roles in Smith's death. Blatchford positions the instructions themselves, not the dehumanization and devaluation of Smith's life, as the barrier preventing the guards from racing to Smith's rescue. Therefore Blatchford emphasizes, and asks readers to focus on, the way the orders were written, instead of how they were interpreted by the guards.

Penn said when he first saw Smith through the food slot he thought “My God, I don't think she belongs here (in a federal prison). There should be a different track for people like her” (in 7). In this excerpt Smith is presented as shockingly deviant and monstrous. Blatchford says that Smith was “childlike in an ominous way...[and likens Smith to what] a psychiatrist named Dr. Avner Barcai had decades earlier described as the “fearful-tyrannical child,” a person so indulged as a child at home that she feels all-powerful, yet also terribly afraid” (9). In this way she infantilizes Smith, and strips the context away from Smith's suffering. Comparing Smith to a tyrannical child who uses her anger and distress to manipulate adults to get what she wants, Blatchford suggests Smith is at home

in the prison (and thus belongs there), and secondly that her distress in the prison is a conscious manipulative act. Blatchford's account is highly influenced by a psychiatric lens, since like Blatchford, Penn said in segregation Smith had the ability to control her surroundings, such as being able to get staff to "come running" when she self-harmed thereby causing the prison to virtually come to a halt (in 16). For this reason, she was "incredibly fearful about leaving..." (10). He said it was impossible to get Smith "out of segregation" because she would only refrain from spitting, feces-smearing, or self-harm for short periods of time (12). Penn frames Smith as so exceptionally deviant that she wouldn't be able to survive in maximum security amongst other prisoners (in 13). At the same time, Penn acknowledged segregation "likely increased her difficulties ...perhaps even her suicidality" (in 15; Cesaroni and Peterson-Badali 569). In his assessment of Smith on Dec 15, 2006 he noted Smith "often enjoys hurting others (sadistic) and also gets gratification from hurting herself (masochistic) ... she can get bored with her good behaviour and has to act out" (18). Framing Smith's failure to abide by rules, Penn ignores how Smith's volatile behaviour fits with the unpredictable situation she was in. Penn notes Smith needed "incredibly good care by top professionals at treating personality disorders [in addition to extensive psychotherapy]" (in paras. 23-24). Based on a pre-incarceration "psychiatric assessment [Penn concludes] the seeds of her disorder were certainly there" (in 25). This is an example of mental illness being used as a tool to re-story the past to support a finding of mental illness (Smith "K" 26-27).

Mason and Mercer observe context-stripping is common in instances where women are criminalized. This leads to women being framed as responsible for their

institutionalization and pathologization (25). Thus the extent to which social context is present or absent from texts about the Ashley Smith case impacts the extent to which she is likely to be framed as responsible for the way she was treated within the PIC.

### Conclusion

Looking at a small sample of seven articles from 2007 and 2013 written by Canadian journalists writing for Canadian print news media I have attempted to show how representations of Ashley Smith affect the extent to which readers can apprehend Ashley's life, and potentially also the lives of similarly psychiatrized and criminalized people like Smith, as valuable lives that are not being treated justly within the PIC. Instead, people subjected to conditions of debility are disproportionately subjected to the conditions of social death found in prisons. I have included articles where the names of the journalists are visible in an attempt to bring some accountability to how Smith's life, incarceration, death, and trial have been framed by the media. I did this in the hopes that readers can trouble what they think they know about Ashley. The ability to attribute a name to an opinion within the media coverage is of utmost importance, given the extent to which guards, prison officials, union members, and psychiatrists refused to acknowledge their participation in constructing Smith as a monstrous and exceptionally deviant person while she was alive. The jury finding that Smith's death was a homicide, as the state was responsible for negligence and failure to provide Smith with the conditions she needed to survive while she was imprisoned, has the potential to be precedent setting in Canadian, if not in international, law. Still, it is pivotal that we not allow an acknowledgment of the potentiality and hope that this new precedent brings to

allow us to forget and neglect the ongoing systemic injustices which result from refusing to recognize the complexity of a person and the stories generated about them. This analysis is an invitation to hold ourselves accountable for how we label, categorize, and value lives in the quotidian. It also invites readers to reflect on the consequences (like psychiatrization, job loss, housing loss, medicalization and institutionalization (Anthony 241) of these acts.

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## Appendix A: Narrative of Ashley Smith

Ashley Smith was a fat, young woman who was nineteen years of age when she died of asphyxiation under the watchful eyes of seven prison guards at the Grand Valley Prison for Women near Kitchener-Waterloo, Ontario Canada on October 19<sup>th</sup> 2007 (Richard 7). Smith had been locked in segregation throughout two-thirds of her time in juvenile detention and for the entirety of her time in federal prisons such as Grand Valley (Pollack 7; Kilty and LeBlanc “Ashley Smith” 9).

Ashley grew up with her single adoptive mother who was low income in Moncton New Brunswick. Her step-father Herb and step-sister came in and out of her life. She was first pathologized at the age of 10 when she “began developing behaviour problems at school. She was disruptive and talked excessively” (Richard 14).

Smith was first involved in the youth criminal justice system at thirteen when she was “charged with assault and disturbance in a public place” (Richard 8). During her time in the PIC, Ashley was transferred nine times across federal and provincial prison systems. (Richard 7). Much like other parties involved in Smith’s case, Richard shirked direct responsibility for Smith's well-being noting that he only became aware of her case after she was transferred to the Nova Institution for Women, a federal institution for adults which fell outside of his jurisdiction (Richard 7).

Ashley was transferred between “conventional education to alternative programs, open custody to secure custody, youth detention centre to adult correctional facility” (8).<sup>x1</sup> Richard notes that in 2001-2002 school officials and difficulty getting Ashley to “comply with the institutions rules as well as apply herself to her school work” (15). During this

school year Smith was “suspended from school on six occasions... and [assigned] to a temporary student placement at an alternate educational site on seven occasions. The motives for these disciplinary actions ranged from use of inappropriate language in class to “playing chicken” in the street with on-coming traffic (Richard 15; Donovan and Zomlislisic “The Life” 12). Thus, Smith’s pathologization began well before she became caught in the PIC. Following a stalking incident of a staff member where the police were called, Smith was suspended for five weeks, and charges were laid (Richard 15).

In the fall of 2002 when Ashley was 14, seventeen incidents were reported and staff said Smith exhibited “defiant behaviour”, leading to her transfer to an alternative school. She was “first charged in March 2002...with offences related to public disturbances, trespass or violence...” (Richard 15, 17). This resulted in her being sentenced to one-year probation and enrollment in the Intensive Support Program, “an alternative measure to imprisonment geared towards providing youths with a high risk to re-offend with intensive community support,” a program run by the Department of Public Safety (Richard 15-16). Two months shy of her fifteenth birthday she was removed from all forms of schooling (Richard 17).

Prior to and in the early stages of her incarceration, “Ashley was being followed by a psychiatrist [and was receiving weekly counseling] from her community mental health clinic . When reading the file, it is obvious that her counsellor was strongly advocating for a continuation of these services” (Richard 38).

Ashley was first institutionalized at the age of fifteen at NBYC in April of 2003 (Richard 17, 39). She was also flagged as potentially mentally ill, and was referred to the



“Youth Treatment Program and on March 4, 2003 she moved in to the Pierre Caissie Center for a 34 day assessment” (Richard 16). The assessment suggested Smith suffered from a “learning disorder, ADHD, [BPD]” (16). In an addendum, the assessing psychiatrist added “narcissistic personality traits” (16). It was suggested Smith’s parents seek support on how to deal with “oppositional defiant youth,” implying Smith had been diagnosed as such (16).

On October 21, 2003, at home on probation “threw some crab apples at a postal worker” resulting in Smith being charged and sent back to NBYC (Richard 18). From this date until December 2003 Ashley was in and out of the youth prison as well as in group/foster homes (18). In April 11 2005, Ashley was again subjected to court-ordered a psychiatric assessment, this time at Restigouche Hospital. The psychiatrist determined Smith was in control of her actions (Richard 19).

## Appendix B: Signs and Symptoms of BPD

National Association on Mental Illness. "Borderline Personality Disorder." *National Association of Mental Illness (NAMI)*. NAMI, 2015. Web: paras. 1-3. 20 July 2015.

1. Frantic efforts to avoid being abandoned by friends and family.
2. Unstable personal relationships that alternate between idealization—"I'm so in love!"—and devaluation—"I hate her." This is also sometimes known as "splitting."
3. Distorted and unstable self-image, which affects moods, values, opinions, goals and relationships.
4. Impulsive behaviors that can have dangerous outcomes, such as excessive spending, unsafe sex, substance abuse or reckless driving.
5. Suicidal and self-harming behavior.
6. Periods of intense depressed mood, irritability or anxiety lasting a few hours to a few days.
7. Chronic feelings of boredom or emptiness.
8. Inappropriate, intense or uncontrollable anger—often followed by shame and guilt.
9. Dissociative feelings—disconnecting from your thoughts or sense of identity, or "out of body" type of feelings—and stress-related paranoid thoughts. Severe cases of stress can also lead to brief psychotic episodes.

## APPENDIX C: Two of Ashley's Poems

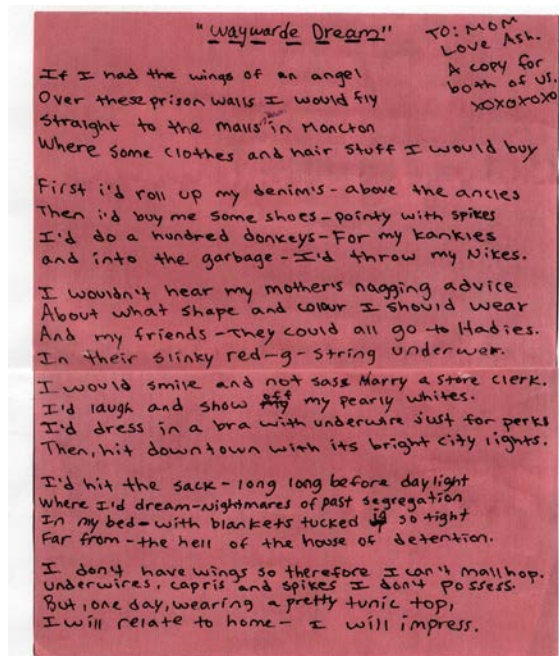
### My Life

My life I no longer love  
I'd rather be set free above  
Get it over with while the time is right  
Late some rainy night  
Turn black as the sky and as cold as the sea  
Say goodbye to Ashley  
Miss me but don't be sad  
I'm not sad I'm happy and glad  
I'm free, where I want to be  
No more caged up Ashley  
Wishing I were free  
Free like a bird.

(Smith wrote this first poem on October 1<sup>st</sup> 2006 while detained at NBYC. It is reprinted in Richard's report.

### B) Undated poem entitled "Waywarde Dream."

Reprinted in Diana Zlomislic and Vincent Donovan's book *The Life and Death of Ashley Smith*, 2013. 4.



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<sup>i</sup> See for example the work of Chris Chapman, Don Weitz, Jennifer Kilty and Michael Rembis.

<sup>ii</sup> The primary definition of suicide provided by the *Oxford English Dictionary* is “[o]ne who dies by his own hand; one who commits self-murder.”

<sup>iii</sup> The mentally ill criminal is “irrational and [exhibits] delusional behaviour” and is in control of their behaviour (Haller et al. 45).

<sup>iv</sup> The Passive Patient who does not behave in irrational, violent and unpredictable ways (Haller et al. 45).

<sup>v</sup> The Class-Based Illness Portrayal wherein lower-class people are seen as more responsible and blame-worthy for their behaviour (Haller et al. 45).

<sup>vi</sup> Arbour, Louise. Office of the Solicitor General Canada. *Commission of Inquiry into Certain Events at the Prison for Women in Kingston*. Ottawa: Canadian Communication Group, 1996. Print. 1-158.

<sup>vii</sup> The Prison Industrial Complex (PIC) is a “complex web interweaving private business and government interests in the growing industry of incarceration and prison development” existing within late capitalism (Davis 40-41). While the PIC purports to exist to protect and service members of the public by reforming people who commit crimes in practice it aims to “manage and contain the new surplus populations created by neo-liberal economic policies” (Parenti 1999). This term is used to destabilize the commonsensical notion that prisons exist to punish people who commit crimes (Chapman, Carey and Ben-Moshe 13). The rise of the PIC is paired with increasing rates of psychiatrization of inmates (Rembis 139).

What Foucault (*Discipline* 294) termed a “carceral network” (or what I and others refer to as the PIC) is an “extension of disciplinary power that governs us all” (Rembis 140). Once caught within the PIC it is possible to “pass naturally from disorder to offence and back from a transgression of the law to a slight departure from a rule, an average, a demand, a norm” (Foucault *Discipline* 298).

The PIC includes: targeted (over) “policing, the legal/(in)justice system, carceral spaces, probation periods, release conditions, and other ways that confinement and imprisonment extend into our daily lives before arrest and after release from detention” (Ware, Ruzsa and Dias 178).

<sup>viii</sup> This term was coined by Rosemarie Garland-Thomson in conversation with Derryl Evans at Society for Disability Studies Conference in 1989 (Garland-Thomson 140).

<sup>ix</sup> “[T]ranscarceration entails the ongoing routing of mentally ill offenders (MIOs) to and from the mental health and the criminal justice systems. When persons with psychiatric disabilities are perpetually and alternately housed in the civil and criminal systems of institutional control (e.g., hospitals and jails), they become prisoners of confinement; that is, the process of transcarceration substantially restricts the capacity of MIO individuals to vary their role performances or to renegotiate their identities” (Arrigo 162).

<sup>x</sup> See Appendix C

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<sup>xi</sup> “The *presence or absence* of a reference or concept is taken to indicate the source’s *awareness or knowledge* of the object referred to or conceptualized” (Krippendoff 59, emphasis in original).

<sup>xii</sup> “The *frequency* with which a symbol, idea, reference, or topic occurs in a stream of messages is taken to indicate the *importance of, attention to, or emphasis on* that symbol, idea, reference, or topic in the messages” (Krippendoff 59, emphasis in original).

<sup>xiii</sup> “The *numbers of favourable and unfavourable characteristics attributed to the symbol, idea, or reference* are taken to indicate the attitudes held by the writers, the readers, or their common culture toward the object named or indicated” (Krippendoff 59, emphasis in original).

<sup>xiv</sup> “The kinds of *qualifications*-adjectives or hedges-used in statements about a symbol, idea, or reference are taken to indicate the *intensity, strength, or uncertainty* associated with the *beliefs, convictions, and motives* that the symbol, ideas, or reference signifies...”(Krippendoff [emphasis in original] 59).

<sup>xv</sup> “The frequency or co-occurrence of two concepts is taken to indicate the *strength of associations* between those concepts in the minds of the members of a population of authors, reader, or audience” (Krippendoff [emphasis in original] 59).

<sup>xvi</sup> The women Allspach interviewed “reported that few programs [available within Canadian prisons were designed to] enhance their economic self-sufficiency or educational levels beyond grade 10. For example, women inside the prison cannot access high school diplomas up to grade 12 that are accessible free of charge within the Canadian public school system” (714). Mason and Mercer also note criminalized women are more likely to experience “educational deficits” as opposed to criminalized men (17).

<sup>xvii</sup> Other academics have mentioned Ashley Smith in their work for example her case is given as an example in several articles contained in the disability studies anthology *Mad Matters*, to my knowledge there has no been a sustained analysis of her case in particular from a mad-disability studies lens.

<sup>xviii</sup> Regional prisons are seen as being unprepared “deal with women with acute mental health needs or who present other behavioural issues...” (Hannah-Moffat 185). There “are currently five federal prisons operating across Canada...[according to] Hannah-Moffat and Shaw (21) [these prisons follow] five principles: a) empowerment; b) creating meaningful choices for women; c) treating women with respect and dignity; d) creating a physical and emotional supportive environment; and e) sharing the responsibility for women’s welfare between staff, community and the women themselves” (quoted in Allspach 713). Consequently, Canada has “gained an international reputation for being a leader in developing gender-sensitive and culturally specific prison programming” (Pollack 2007 quoted in Allspach 713-714).

<sup>xix</sup> See also Simon’s Cross’s dissertation (290).

<sup>xx</sup> The American Psychiatric Association’s DSM-5 was created in consultation with members of the National Association of Mental Health. It advertises itself as a manual whose diagnoses are derived from development of “research questions and hypothesis...investigation of literatures reviews and analyses of existing data”(7). Also

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the DSM claims to represent the perspectives of “36000 physician leaders in mental health”(8).

<sup>xxi</sup> It was only upon doing my final revisions of my MRP that Judy, my editor, drew my attention to McGill’s paper which emphasized Ashley’s Smith’s indigenous background. Prior to this the research I had done on her story had not mentioned anything else about this. McGill does not address how she knows Smith was indigenous or identified as such although the paper she wrote was supervised by Kim Pate, Smith’s advocate. Due to time constraints and a lack of research on this topic, I don’t feel comfortable locating Smith as either white or indigenous.

<sup>xxii</sup> According to the National Association on Mental Illness people diagnoses with BPD have “difficulties in regulating emotion. This difficulty leads to severe, unstable mood swings, impulsivity and instability, poor self-image and stormy personal relationships. People may make repeated attempts to avoid real or imagined situations of abandonment. The combined result of living with BPD can manifest into destructive behavior, such as self-harm (cutting) or suicide attempts” (1).

Ethnographers Patricia and Peter Adler note the DSM (2000) only mentions self-injury in relation to other disorders such a BPD (539). She notes today self-harm is commonly understood as an attempt to “seek a temporary form of relief”(541) Possible motivators for engaging in this behaviour include wanting to “reconfir[m] the presence of one’s body, dulls feelings, and converts unbearable emotional pain into manageable physical pain...”(540). It is a form of coping which is particularly prevalent within “prison populations, and people from the lower strata of society who suffer from structural disadvantages in society”(543).

<sup>xxiii</sup> Crippling is defined by Margaret Price as making room for and humbly listening to the experiences and perspectives of others who have experienced marginalization (13-14). Secondly, Carrie Sandahl defines “cripping” as “spin[ning] mainstream representations or practices to reveal able-bodied assumptions and exclusionary effects” (36). Thirdly, Eliza Chandler, a disability activist and academic, follows disability theorist Kelly Frisch’s definition of crippling as an “open[ing] up [of] desire for what disability disrupts” (quoted in Chandler 2).

<sup>xxiv</sup> nancy halifax observes that speaking from the position of the “I” is an attempt to extend “the rights of personhood to individuals and communities from which a chorus may swell” (2)

<sup>xxv</sup> For example psychologists, psychiatrists, and other professionals practicing in the field of mental health.

<sup>xxvi</sup> Being responsabilized means altering one’s behaviour so that it meets expectations, and follows rules (Garland “The Limits” 452).

<sup>xxvii</sup> Since both the Canadian Government and the text authored by Jena McGill (supervised by Ashley Smith’s advocate in prison Kim Pate of the Elizabeth Fry Society) locates Smith as indigenous, I have decided to refer to in this way throughout the text (Government of Canada 28-29; McGill 89).

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<sup>xxviii</sup> Fisher notes physical restraint, chemical restraint, and seclusion have been demonstrated to potentially result “serious deleterious physical and (more often) psychological effects on patients”(1588).

<sup>xxix</sup> For more information on the evolution of the DSM see Lerman (19-34).

<sup>xxx</sup> By virtue of being institutionalized in a country where since the enactment of the Youth Criminal Justice System in 2003, “there has been a significant decline in the use of custody for sentenced youth”(Cesaroni and Peterson-Badali “The Importance” 566). Ashley was already understood as exceptionally deviant.

<sup>xxxi</sup> For an overview of how segregation’s impact on the development of mental health problems see Richard (41) or Cesaroni and Peterson-Badali “Young” 253.

<sup>xxxii</sup> “Smith never received a complete psychiatric assessment, though she was certified eight times by the provincial mental health legislation, transferred to CSC’s regional psychiatric treatment centres and repeatedly subjected to involuntary therapeutic injections”(Kilty and LeBlanc “Ashley Smith” 19).

<sup>xxxiii</sup> Southwick, Reid. “Woman Calls Herself ‘Grand Valley Success Story’; Prison Former Inmate Shows Alternative View of Federal Woman’s Center Where Moncton Teen Died.” *The Telegraph-Journal*, A1. November 26<sup>th</sup> 2007.

<sup>xxxiv</sup> Institutionalization is a result of “prisoners becom[ing] rule-governed in at least some aspect of their behaviour-though seldom all”(Pat Carlen and Anne Worrall 88).

<sup>xxxv</sup> Quoted in Lisa Cacho. Cacho observes that the “killing abstraction is not itself abstract, it references the ways racialized populations are made unduly vulnerable by global capitalism and neoliberal restructuring, and it positions the way they are absolutely and necessarily positioned beyond legal recourse” (7).

<sup>xxxvi</sup> Rembis notes the movement from “asylum to prison, is the direct result of the increasing medicalization and biologization of madness in the late twentieth century and the concomitant devaluing of other forms of treatment, care, and support within the community. The criminalization of madness in recent decades should not only be a national health care concern, but also a human rights concern, especially as more states move to restrict expenditures for inpatient care ”(150).

<sup>xxxvii</sup> For more on the administration of psychiatric medications as a form of control within the PIC see for example the work of Erick Fabris and the work of Kathleen Auerhahn and Dermody Leonard.

<sup>xxxviii</sup> Garland suggests we use “the concept of a social institution as a means of thinking about punishment [as this gives us a way to] depict the complexity and multifaceted character of this phenomenon in a single master image (*Punishment* 282).

<sup>xxxix</sup> For a more in-depth look at the use of solitary confinement in Ashley Smith’s case from a legal perspective see Alexandra Campbell’s master’s of laws thesis (1-25).

<sup>xl</sup> Cesaroni and Peterson-Badali note the “[n]umber of young offenders sentenced to custody is growing in Canada (“Young” 251).