On the eve of World War II, Gloria, a fifteen-year-old from Hamilton, was sentenced to the Ontario Training School for Girls (OTSG) after she was charged with the theft of some clothes. The Children’s Aid Society (CAS) claimed in Family Court that the mother was not supporting her children and was sexually immoral. She had an illegitimate child and was involved with a married man, often “parking her children with a friend on relief” while she “is in a hotel,” the social worker commented disapprovingly. Gloria also confessed to the CAS that she had allowed a forty-three-year-old man to have sexual relations with her in return for a coat and some money (though she later fearfully denied this in court) and admitted to other ‘wild’ behaviour: she had skipped school with her sister and was apprehended by police for “wheeling away” babies from local parks.¹

Training school was supposed to provide Gloria with an education in useful work and proper sexual behaviour, protecting her from physical neglect and the moral contamination of her mother. Psychiatric and social work experts in the 1950s would likely have agreed with the isolation of Gloria, given their emphasis on deficient families as a major cause of delinquency. Yet in the 1970s, a historian reinterpreting her case might point to the poverty of the family, and their vulnerability to harsh policing due to the structural dynamics of class. Feminists would also critique the court’s fixation with sexual misconduct, linking the control exercised over Gloria and her mother to patriarchal legal structures. By the 1990s, scholars might stress the power of experts — social workers and psychiatrists — to define Gloria’s delinquency; disciplinary techniques, not class relations and patriarchal control, would become the codes used to interpret Gloria’s conflict with the law.
Gloria’s case highlights the ongoing theoretical, methodological, and interpretive dilemmas we encounter when exploring the history of ‘female delinquency.’ Drawing on and comparing a range of historical sources, including reform organization and government records, popular and professional writing, court documents, and case files of convicted female juveniles sent to training school, this paper will examine the criminalization of girls in the ‘affluent’ Ontario of the 1940s and 1950s, concurrently questioning the dominant theoretical paradigms we are utilizing to uncover the history of criminality. Asking how female delinquency was defined by the courts, and how girls and their families responded to this criminalization, inevitably invokes current debates between materialist, feminist, and poststructuralist streams of thought, and in particular, the prevailing influence of Foucauldian explications of crime and punishment.

Over the past decade, studies of crime and social marginality have assumed increasing importance in Canadian history, displacing, or at least radically reinterpreting, the contours of working-class history. Given contemporary politics, the shift of our scholarly scrutiny from earning to stealing is understandable, as governments at all levels have intensified economic and social marginality for many Canadians, and simultaneously promoted a ‘law-and-order’ approach to crime and delinquency, encouraged by neoconservative thinking that consciously divorces crime from the economic, social, and emotional traumas intertwined with capitalist social relations. This current construction of delinquency harkens back to the 1950s, when governments attributed youth problems to negligent parenting and immoral families. Rhetorically, however, the solutions at that time at least stressed “child saving” rather than the more punitive, current emphasis on “child blaming.”

At the same time, the displacement of a “politics of redistribution,” and the sidelining of political economy in academic discourse have encouraged interpretations of crime downplaying class conflict and accenting discourses and disciplinary techniques. In history, law, and criminology, these new theoretical trends followed in the wake of trenchant critiques of Marxist and social control paradigms, often constructed by materialists themselves. Feminist analyses, which initially challenged the oppression of women within the criminal justice system and especially the
‘sexualization’ of women in that system, have also edged towards the discursive, and questioned the value of ‘grand’ explanatory theories stressing class or patriarchal structures of oppression. Carol Smart’s writing, a bellwether of such theorizing, has argued for a “decentring of the law,” shying away from “general theories” and exploring instead the specificities of “how the law operates in different fields.”

Although some theories of patriarchy have lurched erroneously towards the ahistorical or general, and like materialist theories have grappled with difficulty with the complexities of class, gender, and race oppression, a renunciation of these theoretical traditions means the perilous abandonment of a critique of the systems of social and gender inequality that are so clearly entrenched in the criminal justice system. As Dawn Currie argues, “to de-centre the law in our analysis is one matter; to de-centre it in real life is another” given that the “law and its application are about the centralization of power.” The need to develop a materialist and feminist “emancipatory critical knowledge” is essential if we are to prevent our gaze from slipping into infinite deconstructions of criminality and direct our thoughts instead to the transformation of those oppressive social relations that sustain crime, delinquency, and marginality.

This article, then, attempts to use the critical insights of materialist and feminist-Foucauldian perspectives to develop a more comprehensive analysis of young women in conflict with the law. Foucauldian thought illuminates the discursive creation of the category of delinquency by the experts, and exposes, with penetrating clarity, methods of legal and penal discipline; materialist-feminism necessarily grounds representation and discipline in social life and capitalist social relations. The first two sections of the paper, on the experts’ construction of female delinquency and disciplinary practices, indicate how Foucauldian concepts have effectively challenged and enriched feminist and Marxist appraisals of criminality. The following sections, exploring power relations in the court, the social context of criminalization, and the state emphasize the continuing importance of a materialist perspective that connects the discursive and nondiscursive forces creating delinquency; class, gender, and race must be located within a feminist and materialist framework that exposes the constituents of power shaping a legal system that was skewed to punish, rather than aid, working-class girls.
Defining Juvenile Delinquency: Power/Knowledge at Work

The 1940s and 1950s are often characterized as a relatively prosperous era, marked by democratized consumerism and political stability, though the stultifying ideological, political, and sexual conformity of the Cold War period is acknowledged. Despite the prosperity generated by the war, juvenile delinquency immediately became a major social concern. “Jitters over juveniles” were voiced, especially early in World War II, as rising numbers of juveniles before the courts were designated a ‘new’ and alarming trend. While juvenile arrests did rise in the early war years, these were concentrated in certain cities and were probably related to demographic changes and policing trends as much as increased crime rates.

The media, however, claimed delinquency was increasing, and attributed this to absent fathers, the appeal of materialism and urban life, and especially working or negligent mothers. One Chatelaine author, for example, described a working mother who left her preschoolers all day “with only a few crusts to gnaw on”; another single mother supposedly abandoned her children to carouse with her “new beau” and only the vigilance of a (male) neighbour saved the children from a fire. Other magazine articles described teens enticed into early factory work, lured into ‘pick up’ sex and street gangs, while their fathers served overseas. Though less sensational, the official reports of psychiatrists working for Family Courts often concurred that lack of a decent home life, especially the “lack of responsibility on the part of parents,” was leading to escalating delinquent behaviour. In addition, media reports announcing the increased use of probation and the loss of training school places (training schools were lent to the armed forces and smaller buildings found for the inmates) then fed the flames of public panic. Without the threat of training school, citizens wrote to the Ontario government, children would develop “disrespect for the law,” and school boards implored the government to “restore training school places [as] juvenile delinquency is increasing.”

Anxiety about delinquency in the press persisted after World War II, though it altered its tone and targets, and a few writers now even dared to question the “panic” about delinquency. It was feared that youth crime originated in “economic inequalities and slum conditions,” though bad parenting, “inadequate leisure, and psychological trauma”
were also blamed. Moreover, “adverse economic conditions” easily slid into condemning the individual, as in the Saturday Night article that described the juvenile delinquent Margaret, who turned to crime because her “parents could not meet her extravagant tastes.”

Anti-delinquency rhetoric also overlapped with post-World War II attempts to reinforce the ‘traditional’ family and contain sex within heterosexual marriages — a project connected to the concurrent ideological assault on communism. Although the introduction of family allowances, increased prosperity, suburbanization, and the baby boom might have signalled faith in the nuclear family, considerable anxiety actually reigned about its fate. Fears concerning the inadequate family were voiced by the Ontario Training School Advisory Board (TSAB), which repeatedly recommended compensatory initiatives to provide healthy and respectable recreation for youth, and the teaching of parenting skills. Advocates of stricter treatment of juvenile delinquents also fixed their sights on inadequate and immoral families. In 1953, a conservatively inclined Ontario Legislature Committee on Delinquency began to question the reigning emphasis on psychological treatment and child saving. These politicians wanted fewer “luxuries” and the possibility of corporal punishment in training schools, and some recommended banning common-law unions, even sterilizing ‘promiscuous’ women.

Public anxiety aside, the actual laws defining delinquency changed very little over the 1940s and 1950s. Most children aged seven to sixteen were brought before the courts under the federal Juvenile Delinquents Act (JDA), first enacted in 1908, though the (1939) provincial Training School Act (TSA) was also used. Both laws defined delinquency extremely broadly. Aside from actually breaking a law, children could be simply “sexually immoral,” “liable to be sentenced in the future,” “unmanageable and incorrigible,” definitions that permitted delinquency to be a very flexible status offence. The JDA encouraged the use of informal options, such as foster care or probation, with correctional institutions a last resort; once under the jurisdiction of the court, however, children could be scrutinized, held, or transferred to other institutions until they were adults. Moreover, under the TSA children could be originally incarcerated on the recommendation of the CAS or through the minister, thus completely bypassing the courts. Rhetorically, ‘treatment not conviction’ was to be
the essence of juvenile justice, but this simultaneously entailed arbitrary, wide-ranging powers over those designated delinquent.

In this context, the power of medical and social work experts to define delinquency was extremely important. Though the influence of such experts extended back long before the 1940s, it was augmented in this period as Juvenile and Family Courts expanded their personnel and strength.28 Not only did the court professionals, or ‘psyche’ experts,29 construct the dominant definitions of delinquency, they also advised judges on how to sentence girls according to those definitions. Moreover, because of the emphasis on a girl’s personality and sexual practices as signs of criminality, these experts were arguably more pivotal to the fate of delinquent girls than delinquent boys.

Foucault argued that power and knowledge were deeply implicated in each other: “power produces knowledge . . . there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute . . . power relations.”30 Expert knowledges produced by the psyche professions, for instance, defined normality and abnormality, setting out boundaries within which “populations and bodies” were encouraged to act.31 The experts produced “classifications and typologies” of delinquency, “constituted individuals AS cases” to be investigated, and explored their actions as overt signs of covert ‘feelings’32 that could best be discovered by (their) social work investigation or psychoanalysis.

As Foucault argued in Discipline and Punish, it appeared that the law was being replaced by the norm;33 the emphasis was not on legal infractions as much as the child’s psychological deviance and the need to reconstruct her conscience. “The Juvenile Court,” agreed Jacques Donzelot, “does not really pronounce judgement on crimes; it examines individuals.”34 The matrix of law and the medical/social sciences that characterized judgments on delinquency was made clear in court transcripts as judges eschewed discussion of the law, and referred instead to the child’s familial and emotional relationships. Sentencing one girl in the 1950s, a Toronto Family Court Judge lectured her mother first, claiming incorrigibility often “emerged from relations between mother and daughter; it is this relationship that lies at the back of it.”35 His statement symbolized the central place psychiatry had captured within discourses on delinquency.
Until a critique of psychiatry emerged in the late 1960s, this alliance of psychiatrists and judges — “to prevent suffering. . . . [and] treat the ills of mankind”36 as one psychiatrist rather pretentiously put it — rarely met with professional or public criticism.37 Until then, law and psychiatry represented a powerful “double force of authority” in the juvenile court.38

Psychologists and social workers also provided expertise for the juvenile justice system, though the latter especially were influenced by psychiatry.39 Psychology and psychiatry were sometimes used interchangeably, though in larger courts psychologists primarily assessed ability and intelligence, while the psychiatrists’ role was to penetrate deep into the shadowy corners of the delinquent’s disturbed mind. Still, IQ tests were significant; these fixed, often impermanently, the authorities’ plans for the child’s education, vocational training, future work, and transfers to institutions for the ‘mentally retarded.’40

Common to the all the court professionals was a strong faith in ‘scientific’ investigation, and this confidence was shared by emerging reform groups like Elizabeth Fry, which valued positivist criminology and trained professionals at the helm of correctional institutions. Using medical language, many criminologists in this period argued that one could detect a state of “pre-delinquency”; delinquency itself was described as a progressively disruptive illness, moving from first symptoms, “the broken home” to later, terminal illness, “serious illegalities.”41 Similarly, Sheldon and Eleanor Glueck’s American study, *Five Hundred Delinquent Women*, which was cited by Canadian professionals, statistically plotted women’s “promiscuity,” based on categories of sexual relations, frequency, partners, and so on. Though cloaked in scientific garb, their negative view of extramarital sex was nonetheless moralistic in tone.42

The statistical categories established by the TSAB in their reports mirrored similar moral judgments; the causes of delinquency were listed as “immoral parents, no control in the home, parents separated” and so on.43 The TSAB then solicited public sympathy for their work by portraying “negligent parenting” as a disease that might be ‘cured’: “it is true that some wards appear to be psychopaths in the bud, but by modern treatment antisocial behaviour can be discovered, as we diagnose illnesses. Most wards deserve pity . . . due to the[ir] irresponsible, cruel parents and the . . . neglect and oppression they receive instead of care and control.”44
Interpretations of delinquency in sociological and psychiatric literature did change over this period, but one constant was the relative paucity of attention paid to girls. A few influential studies, including the Gluecks,’ focused especially on ‘broken homes’ as the common denominator for female delinquents, while others suggested that girls became delinquent because they had improperly absorbed appropriate roles relating to sexuality, domesticity, and motherhood. Delinquent girls, like women, were more likely to be analyzed as psychiatric problems: as a study of OTSG girls by a government consultant concluded in the 1960s: “girls are more masochistic . . . more [emotionally] disturbed than male offenders.” Psychiatric reports of girls in the Training School conveyed similar ideas about the cause of delinquency: “girl is seeking affection in lieu of father’s support. . . . [needs to be] stabilized to accept her father’s rejection” are typical.

The rising star of Freud — apparent since the thirties — had much to do with the discursive construction of female delinquency. Social stresses, though important, had to “find a preparedness” in one’s psyche to produce delinquent behaviour. Good psychological health meant progression towards heterosexual and familial maturity (i.e., sex within marriage, motherhood, passive femininity), which coincidentally approximated middle-class sexual and familial norms. Delinquency could be precipitated by lack of love (or inordinate cravings for love), a warped Electra complex, or by failure to liberate oneself from a pre-Oedipal mother. Criminologists claimed that girls’ “basic feminine needs to serve . . . be loved . . . and fear of rejection” could lead to delinquency, while the increase in runaways in the fifties was due to “maternal dominance” in the home.

Underlying all these discussions of female delinquency lay a final assumption: “the predominant expression of [female] delinquency in our society is promiscuous sexual activity.” Postwar discourses on sex and teens, argues Mary Louise Adams, literally equated delinquency with errant sexuality. Although Kerry Carrington claims that explaining the creation of female delinquency with the concept of ‘sexualization’ “essentializes” girls, thus ignoring the “multiplicity of discourses” shaping delinquency, I would argue that nonconformist sexuality was still a central component of the criminalization of working-class girls. The powerful knowledge created by medical and social work professionals
designated nonmarital sex as the most significant marker of girls’ devia-
tion. Although ‘deviant’ sex was sometimes included in the list of prob-
lems associated with boys before the court, it never occupied the central
focus that it did with girls. Girls’ misdemeanours were by extension more
serious, pathological, and deep-seated: “Even the unenlightened know,”
wrote the OTSG superintendent in the fifties, “that girls are committed
to training school for ‘boy trouble’ whereas boys are usually committed
for theft, a more acceptable offence [in the public mind.]”

Disciplinary Practices/Docile Bodies

As these definitions of delinquency, embodying languages of the medical
and social sciences, were institutionalized in the practices of the juvenile
justice system, the knowledge/power axis ‘went to work on’ the bodies
of young women, making promiscuity, venereal disease, and pregnancy
into mental and social pathologies of a criminal nature.

By asking how bodies and souls are constituted by strategic knowl-
edge/power relations, and how bodies become invested with those power
relations, Foucault posed a question already long on the agenda for femi-
nists.57 Portraying sexuality as a social and historical construction, a
“dispersed system of morals, techniques of power, discourses and pro-
cedures designed to mould sexual practices to certain strategic ends,”
he inspired new feminist critiques of the female body as a “strategic site
of power.”58 Since sexual practices are of central political importance to
modern societies, Foucault also argued, we must understand the way
in which ‘life processes’ relating to the individual body and the larger
population are ‘managed’ by experts and institutions.

The need to oversee and manage girls’ errant sexuality was vividly out-
lined in sentencing and incarceration practices. In the 1940s and 1950s, for
instance, girls were far more likely to be charged with status offenses of
incorrigibility and vagrancy in the Toronto Family Court, while boys faced
theft charges.59 Though boys outnumbered girls in court, the latter were
more likely to be placed under court supervision, and were more likely
to face institutionalization. Girls sent to OTSG from across the province
were more likely than boys to face incarceration after no, or only one,
court appearance. Girls, it was presumed, needed immediate isolation and
treatment. As one social worker told a reporter in the 1950s: The “promiscuous girl is more ostracized than the boy who commits homicide.” They therefore had to be “protected from themselves.”

The case files of Galt inmates strengthen this conclusion: sexual activity — perceived, possible or real — was often the lightning rod precipitating incarceration. Even if sexual behaviour was not the cause of arrest, it easily became the issue of concern. Judges quickly steered their questions towards sexual practices. One fifteen-year-old faced two theft charges, but in court the discussion centred on her ‘bad’ sexual reputation in high school and an incident when she “stayed out all night with an older boy.” Her probation rules dictated no nights out, no trips in cars with boys, and morning church going; these centred on sexual danger, not the temptations of theft. Since juvenile courts permitted evidence based on suspicion and rumours collected by probation officers, even suspected intercourse constituted cause for concern. Making girls submit to gynaecological exams was a standard means of resolving the gravity of the situation. If the doctor proclaimed “she was not virginal,” this encouraged further surveillance or treatment. Concerns with sex usually came in a package of accusations — incorrigibility, running away, and sexual immorality — with the first two code words for sexual immorality. Girls who ran away were courting disaster, for they might be pressured into sex by men who, as one judge warned a girl, “will use you then kick you out when they are through. . . . If you remain on the street, you are headed for a life of misery . . . kicked from pillar to post, with no home, no friends, the worst life in the world.” Nor were such concerns illusory, for many runaways had little sexual knowledge, and most had no money and only their sexuality with which to barter food, lodging, and transportation.

Although the various experts defining delinquency did not agree on every case, there were common themes in their prognoses. Promiscuity was usually seen as sex with many or little-known partners, with older men, or occasionally, men of ‘unacceptable’ racial backgrounds. Second, the attitude of the girl towards sex and authority was crucial. If a girl rejected her parents’ right to set curfews and bar unacceptable boyfriends, or the court’s power to oversee her sexual life, she was a clear probation risk. Third, girls who were too ‘forward,’ or talked incessantly about or
invited male attention, were deemed “boy crazy,” a label that positively invited isolation in OTSG. During World War II, this had a new twist: “She is soldier crazy,” complained the police to a judge during World War II, “she waves at them all, is hitchhiking to other places, going out in cars with soldiers.”66 Girls were sometimes sent to OTSG simply to be inoculated against immorality. When a thirteen-year-old Native girl was charged with incorrigibility by her grandmother, she denied sexual contact with boys she had spent the night with, but the court, undoubtedly influenced by racist stereotypes, simply presumed her current or future promiscuity and sent her to OTSG.67

A key means of judging girls was the measurement of sexual guilt through the confessional, that is “ritualized interviews, interrogations, consultations, autobiographical narratives” that were deeply inscribed with power relations. The girl confided to her social worker or psychiatrist, the authority who then “intervenes in order to judge, punish, forgive or console.”68 The desired end was the reconstruction of her sexual conscience within the bounds of ‘normality.’ Girls who recounted sexual experiences with little regret, interest, or emotion, or who boasted about countless sexual exploits, were portrayed as mentally unbalanced, needing treatment. Racially inappropriate partners also signified that the girl had not internalized appropriate sexual norms; primarily, this meant white girls having sex with Afro-Canadian boys or men.69 A fifteen-year-old white girl who twice spent the night with a “coloured boy in a car” was warned by the CAS that “these coloured boys are like tom cats that chase alley cats.” The judge agreed that she did not understand the “seriousness of the situation” and should be sent away to OTSG.70 Parents too brought daughters to court for transgressing racial lines; one mother initiated a complaint, worried that her white daughter was “socializing with coloured in dance halls. . . . [and that] she will have a black baby.”71

Normalizing judgments applied to families as much as to the girls. If the girl came from an ‘immoral’ family, she was more likely to face incarceration, no matter what the charge against her. Children, it was assumed, might “follow in the footsteps” of their relatives.72 Pre-sentencing social work reports on the family investigated the presence of other illegitimate children and evidence of parental adultery or promiscuity; neglect, poverty, alcoholism, desertion, and prison terms were also taken
into account. Parents (but especially mothers) who lived common law could potentially poison the child’s moral environment; sexual immorality on the mother’s part was especially troubling, as the girl then lacked a “feminine role model.”73 Recommending OTSG for a girl charged with theft and truancy, the Hamilton CAS offered this rationale: “The mother is “agency prone. . . . and [immoral] for “she had an illegitimate child after the father’s death. . . . giving birth the same time as her son had a baby [a fact considered somehow in bad taste].”74

Definitions of delinquency might connect with girls’ experiences of sexual abuse, though the experts at that time interpreted the reasons far differently than we do today. At least 12 percent of the girls in my OTSG study reported sexual abuse by relatives, especially fathers; many more recounted seeing and experiencing domestic violence in their homes.75 By the 1950s incest was cited by some who worked with girls at OTSG as a cause of their problems.76 Yet paradoxically, it was still portrayed by many court professionals as either the rare product of backward, ignorant, and poor families, or occasionally as the girl’s “fabrication”77 or unconscious desire. The runaway girl, one criminologist surmised in the fifties, may be simply trying to “ward off the unconscious threat of an incestuous relationship with her father”;78 his comment revealed how the influence of Freudian ideas offered professionals the “opportunity to explain away incest.”79 Many psychiatrists examining girls in OTSG also betrayed persisting suspicions that the girl bore some complicity in the abuse.80

One or two girls were incarcerated after incest was proven against male relatives simply because the judge presumed OTSG would teach new them sexual standards to overcome their moral ‘contamination.’ In most cases, criminalization worked in two other ways. First, girls ran away from homes where they experienced sexual abuse, and were subsequently brought before the courts, sometimes by the very father who had abused them. Overlapping with running was many girls’ rejection of the dominant standards of femininity and sexual purity. Girls’ resistance to incest often became integrated with a “more general youthful rebellion,”81 including illicit sexual activity with other boys and men. Ironically, in rejecting their proper roles as obedient and passive daughters (which had kept many in abusive situations), they embraced aggressive, sexually active roles that then led to their classification as delinquents.
In one case, for example, one small-town judge lectured a thirteen-year-old girl, Carine, about “keeping late hours with older boys, not obeying her mother.” The police matron’s report concentrated on an incident when Carine went off with an eighteen- and a twenty-year-old man from a local beach, and on her one runaway attempt. “Has there been any admission of intercourse?” with boys, the judge demanded of the mother. “I supposed she does not appreciate the trouble she will get into with boys twice her age,” he concluded as he sentenced her to OTSG. Yet the father’s recent conviction for sexual assault of Carine stared the judge in the face; the idea that her ‘rebellion’ might be connected did not occur to him. 82

Normalization within the juvenile justice system took many forms, from the intermittent surveillance of probation, under the auspices of the Family Court or Big Sisters, to the more extreme surveillance, observation, and examination offered for the intractable: the Training School. For sex delinquents, OTSG offered an education in ‘clean thinking’ designed to redirect sexual fantasies into dreams of marriage and motherhood. Girls were encouraged to “break their home ties,” 83 erase the past, and reinterpret their previous ‘promiscuity’ as dangerous, leading to pregnancy, disease, and prostitution. When trying to scare one group of troublesome girls in detention, the superintendent painted a picture of their unreformed future: “Your sexually delinquent behaviour is nothing to be proud of. Your associations with criminal men will only bring you misery and poor health — if you live to be 30, you’ll be old, worn out hags.” 84

Young women were to become “their own prison wardens,” 85 internalizing discourses on proper femininity, sexuality, and the work ethic. To do this, rewards and incentives — privileges, holidays, early release, praise, and support — were parleyed with reprimands and censures. Physical coercion was not totally absent; limiting girls’ freedom, placing them in (solitary) detention, even strapping them, were used as strategies of control. The rhetoric of ‘treatment’ was inevitably compromised by this disciplinary regime, with staff focusing on law and order and a behaviourist system of rewards and punishment to prevent rebellion and disorder. Indeed, it may be wrong to overemphasize the medicalization of delinquent girls by psychiatric discourses when some girls seldom saw a psychiatrist, and others would have welcomed the confessional instead of the carceral regime of solitary confinement that they endured.
Medical experts sometimes clashed with the penal staff, warning them that detention might only cause more resentment, and that girls needed emotional care as well as strict discipline.86

Once they were released from OTSG, usually into domestic or factory jobs, though occasionally to continue school, surveillance continued. Placement (like probation) officers met with the girl, interviewed her relatives, neighbours, and employers to determine if she was dating, sexually active, promiscuous, pregnant, and so on. Girls who found steady, ‘respectable’ boyfriends, who avoided dangerous locales such as beverage rooms or riding in cars at night, who dressed without sexual flamboyance, were given good reports. If a teen lapsed into sexual promiscuity, contacted VD, or became pregnant, she could be returned to OTSG. Not surprisingly, placement workers saw marriage, even at sixteen or seventeen, as welcome sexual containment (as long as the husband had their approval) and cause to terminate their surveillance of the girl.

While many penal workers believed that it was possible to create a new moral conscience, they saw a few girls as too pathologically promiscuous or too “vicious” to change. Penal staff, as well as many judges, could not refrain from categorizing girls, even within OTSG, into polar images of ‘good’ and ‘bad.’ There are the “bewildered, confused unhappy girls who want our help”88 and there are “those only interested in sex, smoking and jiving . . . who can’t be helped by mental health professionals. . . . Not all delinquents come from broken homes . . . some are just born that way,”89 commented an OTSG superintendent. For all the emphasis on the scientific treatment, notions of ‘innate’ pollution and corruption were still apparent in the juvenile justice system.

**Dispersed Power/Subjugated Knowledges**

Foucault’s analysis of power has encouraged a conception of decentralized power and emphasis in academic discussion on how power operates. Not only is power “productive not repressive” in Foucauldian texts, but it is relational, not “localized here or there, never in anybody’s hands.”90 It is dispersed rather than centralized, and it needs to be analyzed first at the ‘microlevel.’ Moreover, power is “coextensive with the social body”; there is no system of power, no “primal liberty” existing outside or between
networks of power.91 Directly challenging Marxist theories, the Foucauldian schema sees power moving “from bottom to top as well as top to bottom in socioeconomic hierarchies of society.”92 These concepts have encouraged us to extend our gaze beyond the monolithic state to the networks of interlinked power relations, the informal regulatory processes operating throughout society. In the juvenile justice system, for example, girls’ delinquency was interpreted and acted on differently by the court professionals, judges, Training Schools staff, families, and girls themselves.

The power of social workers and psychiatrists emerged from their professional ability to treat the problem as they had already defined it. These experts sometimes clashed in contests for professional ascendency, but their interpretations were more likely to overlap; both focused on dysfunctional families, and they often advocated family reconstitution or counselling as a solution. Nor did they see the central irony of their approach. The family was seen the cause of delinquency, but also as potential salvation. Although inundated with positive familial ideology, most girls in conflict with the law could not approximate such ideals in their own lives — a contradiction that followed them through the courts, training school, foster homes, and their work placements.

Although judges relied heavily on advice from these court professionals, on occasion they also overruled their recommendations. Judges represented the supreme authority within the juvenile justice system; their pronouncements became defences and justifications for the truths underpinning the system itself. Their decisions might also set out new precedents that social workers had to grapple with.93 Delivering their verdicts with paternalist and sometimes harsh authority, judges chastised, warned, lectured, and also cajoled girls and their parents. Addressing a girl who ran away from her foster home with a man to a hotel, one judge warned, “there is nothing wrong with sex, but there is proper place for it and you have not found the proper place. Don’t cheapen yourself. . . . you will thank us [for sending you to training school].” Judges expressed anger with girls who were saucy, insufficiently apologetic, and whose actions had betrayed temperate, respectable parents, though parents too were subject to indignity when they failed to respond with deference and concern. “Do you want shame and humiliation on your
doorstep?” demanded one judge angrily of parents who would not follow his advice.94

While the authority of the judge and psyche experts was considerable, families, and especially male heads of families, were not completely colonized, as Jacques Donzelot suggested, by an all-powerful “tutelary complex.”95 Parents were a major cause of complaints against their daughters; they used the courts to maintain lines of authority within the family and establish control over wayward daughters — more so than errant sons.96 Fear of sexual corruption, concern that the daughter was not contributing to the family economy or getting an education, activated their complaints, which then might buttress the agenda of the court workers. Rather than stressing their own failure to approximate an ideal family, though, parents spoke of their fears for their daughters’ safety and future, the disruptions she was causing to the family, and their own mental anguish. Some parents wanted other siblings protected and warned away from similar behaviour; others claimed they wished to prevent an illegitimate pregnancy by having their ‘promiscuous’ daughters dealt with by the court. Parents also used the courts to pry daughters away from unacceptable mates. When a fifteen-year-old from a “respectable” working-class family ran away repeatedly with an older boyfriend who was in trouble with the law, the parents saw OTSG as a way to separate her from this “obsession.”97

Once enmeshed in the court apparatus, though, parents found they had little power. Court workers and judges could pressure, persuade, and ultimately impose their views. Often, parents who wrote to OTSG or the government trying to secure the release of their daughters maintained they never understood the original sentence to be indeterminate; they had expected to see their daughters in three months. The judge’s discretionary power over parents was particularly obvious in smaller courts without extensive probation alternatives, or where other factors, such as racism, held sway. In the 1950s, more Native girls were being sent to OTSG by courts anxious to remove them from reserve environments, though the training school was reluctant to take them, feeling they were “unreachable” as their “cultural patterns were little understood.”98 Presiding over the hearing for a Native girl, the judge listened to an RCMP officer and the local Indian agent describe the drinking and sexual habits, and
school and church attendance, of her and her family: their observations were privileged over those of the Native parents who came to court to “discuss the problem,” but did not want incarceration.99 Another Aboriginal father who worked as a school janitor on a reserve reacted angrily to the Indian agent’s testimony, first pointing out he needed his daughter’s help in his daily work as he had arthritis, then disputing her immorality: “there are so many rumours about her, that to be true, she would have to be a woman of 50.”100

Like this father, some parents rejected the moral prerogative of the Juvenile Court: they hid daughters’ pregnancies and sexual affairs from probation officers, and took open issue with the court’s right to judge their own moral lives. But these parents were less likely to exert influence on the court’s decisions. Indeed, power did operate hierarchically in the court: it was concentrated in certain networks, not in others. Court workers and judges clearly exercised more power than parents, parents more power than children. And certain interpretations of delinquency took precedence by virtue of the knowledge, interests, and authority they represented. Tying together the parental and professional desire to control delinquent daughters was an ideology that stressed the authority of parents over children, of men over women, and the importance of keeping sexuality confined within the bounds of heterosexual marriage. These meanings came to take precedence precisely because they reflected and supported existing systems of familial and gender power.

The majority of girls were cowed into silence or acquiescence in the courtroom, though a minority raged against families they hated, or declared their rejection of all authority. Undoubtedly, some knew how to craft their stories to please the authorities, like the girl who claimed that she just fell in with “bad company.”101 However, they also tendered interpretations of their delinquency that were strikingly different from those offered by the courts and the experts. Their responses might be considered “subjugated” knowledges, that is, “naive knowledges, located down on the hierarchy, beneath the required level of scientificity. . . . disqualified by the experts, but a still a form of local . . . knowledge existing in opposition to the knowledge of the experts.”102

Running away (referred to as ‘running’), for example, was portrayed by the authorities as “a childish response to problems,”103 but girls explained
their actions as an escape from unhappiness, or searching out something better. Since many girls came from homes where there was little material benefit to staying, running seemed a legitimate means of seeking their fortunes. Some used running as a means of cementing ties with boyfriends and exploring sexual activity; others saw it as a means to avoid punishment, or to escape abuse. One girl who ran away to Toronto from a small town, for instance, claimed her father sexually abused her, but was not believed after a gynaecological examination by a CAS doctor.

Tragically, children’s stories of violence and cruelty were sometimes disbelieved, further accentuating their alienation. Emotional abuse was especially difficult to prove since parents’ words generally commanded more authority in court, and accounts from ‘troublesome’ foster children were often held suspect. Social workers also had an image of a ‘typical’ violent parent — male, working-class, badly educated — that then shielded less ‘obvious’ offenders. Most girls, for instance, did encounter violence from a male relative, but mothers were not always blameless. One father finally admitted his runaway daughter’s claims were true; the scar on her face was the result of repeated beatings by her mother.¹⁰⁴

Running could combine escape from unhappiness and a desire for adventure. Both the police and a reluctant mother testified against a girl who ran away three times to different cities with friends, and was also spending her nights on the “main street with soldiers” stationed nearby. Her wanderings combined a quest for friends and romance with escape from a home she detested; while her mother worked, she had to care for her ill father, who constantly berated her.¹⁰⁵ In running, girls also became caught up in a basic search for survival, trapped by circumstances over which they commanded little power. An Oshawa teen ran away from a local gang she was involved in, was picked up by an older truck driver, and was kept by him as a sexual partner in Toronto. She claimed to dislike him, but also told the court that she did not try to leave. The judge was most horrified about her admission of “constant” sexual acts with this man. Yet her testimony indicated bewilderment and confusion, rather than pleasure and confidence in her escapade.¹⁰⁶

Although children’s rationalizations of their running were often disregarded, subsequent events sometimes proved their claims had validity. One fifteen-year-old who stole a car and ran away with her boyfriend
was incarcerated (here, the judge rejecting the recommendations of a psychiatrist). Her claim that her mother hated her was little believed, until social workers conceded much later that her mother “often locked her out” and thoroughly disliked her. Despondent and suicidal in the institution, she finally was paroled to her boyfriend’s family and married him at seventeen. Her claims that “he was the only one who cared about her” may not have been totally absurd.

Girls also forwarded interpretations of other crimes, such as theft, truancy, and disobedience, that differed from those of the authorities. And their resistance stretched from the courts to the training school, where verbal disagreement might be followed by physical, even violent, opposition to their circumstances — though such resistance often met with defeat. In their testimonies, girls’ subjugated knowledges are tucked away in offhand comments, asides, almost silenced by the more definitive power of those surveying them. Indeed, many of the historical documents used to reconstruct delinquency are problematic, implicitly reinforcing a Foucauldian view by the very nature of their aims and authorship. By looking at the discourses of experts, court judgments, and psychiatric, training school, and probation reports, we are skewing the process of historical recovery towards an emphasis on power/knowledge and the regulation of ‘docile’ bodies. OTSG reports monitoring girls’ work, social, and sexual lives were the incarnation of disciplinary techniques. Psychiatric assessments examined a girl within a paradigm of sexual dysfunction, with the aim of reconstructing her conscience.

Just as the incarceration of some girls should lead us to question how ‘dispersed’ power really was, girls’ explanations of their delinquency should induce us to ask what was left out or stifled in the documents we are examining. What do we make of a teen, for instance, who complained to her social worker when she was placed out that she hated the “hard work” demanded of her and that she was not really part of the family? Her first comment received no commentary, while the latter received extensive psychological analysis about her lack of a feminine role model. If we are to avoid reproducing the definitions of delinquency offered by the experts in the 1950s, we must therefore broaden our analysis, examining also the context of class relations that was so crucial to the criminalization of these working-class girls.
Historical Determination

To understand the construction of delinquency we need to survey the material and social circumstances of girls’ lives, as well as expert discourses on sexual immorality, exploring their mutual imbrication. Explaining the complex relationship between the discursive and nondiscursive is a contentious issue, with some critics of Foucault arguing that his writings “do not and cannot explain the connection between discursive and non-discursive social practices.” While Foucault explored the “conditions of possibility” shaping discursive formations, this did not mean “viewing them in a material context” with the presumption of a causal, explanatory relationship between the two. The concept of historical determination was anathema to Foucault; he worked outside this Marxist problematic, rejecting, in Michele Barrett’s terms, the “dumb reality of the pre-discursive.”

A materialist framework, however, need not be the “reductionist” or “totalizing discourse” that is portrayed by some Foucauldian followers. Drawing on insights about discourse, power, and subjectivity, while still allowing for a measure of determination, historical materialism makes intelligible how material life shapes the possibilities of discourse and social practice, how the materiality of discourse mediates social practices. However important the discourse of sexualization was, we must ask why it was applied, in training schools, overwhelmingly, to poor, working-class, and Native girls. Indeed, one psychiatric expert acknowledged that middle-class girls were unlikely to come into conflict with the law even when they engaged in the very same practices as working-class girls.

Anxieties about delinquency must be linked not only to the project of nuclear family containment, but also to the persistence of poverty amidst the dream of suburban plenty. Despite the increased economic stability of the working class, pockets of abject poverty on reserves, in rural and urban areas remained, sustaining fears of a persisting, unreformable ‘underclass.’ After the war, in a time of ideological conformity and a desire for normalcy, such social ‘blights’ may have appeared all the more glaring. Training schools were justified in the fifties because of their ability to transform the underclass into a respectable working class. As the Galt superintendent argued: “I know there is a curve in the living standards
of our released wards. They grew up in the sordid slums and they now live in respectable working class districts.”

Economic insecurity, if not blatant poverty, stares one so clearly in the face when examining incarcerated girls that it is hard to avoid the conclusion that class had a fundamental correlation to criminalization. Class was crucial to the apprehension of girls, their rejection of dominant social norms, and their treatment once in the juvenile justice system. Who was even brought to court, to begin with, was conditioned by policing methods that saw certain neighbourhoods and family forms (especially single parents) as ‘high risk.’ Families with few resources at hand also turned to the court for protection, mediation, and economic aid. Once under surveillance, the chances of a child’s court apprehension increased. The close information networks between schools, welfare, social services, and the courts meant that damning intelligence was traded back and forth, and families known to any one agency were more likely to be referred to others.

By the 1950s socialized justice was steering many children into probation or a psychiatric clinic. In the Toronto Family Court, for instance, occurrences overseen by the probation department outnumbered formal court hearings by 3 to 1. But the dominant psychiatric thinking of the time presumed therapy would primarily benefit “reflective” white, middle-class clients with “better cognitive skills and ego strengths.” A funnelling process took place, with middle-class children brought to court more likely to get probation, poor children incarceration. Middle-class and respectable working-class families could utilize various strategies, such as moving to a better neighbourhood, to protect their daughters from incarceration; they could convince probation officers that their church attendance, participation in wholesome leisure activities, work prospects, and well-furnished houses made their daughters good probation risks.

The economic instability of the poor also engendered familial and geographical transience that produced a profound insecurity in some girls. Parents unable to work and care for children left them with friends or relatives little able to care for them, occasioning feelings of rejection and resentment. Other parents who worked at low-paying jobs such as charring or farm help could not provide child care; and without supervision, these children often became involved in street life and problems
with the law. Wilful neglect, moreover, did sometimes overlap with extreme poverty. One thirteen-year-old, deserted by her parents in the late 1940s, fled to her brother, but he did little to help her so she went to live on a beach near Hamilton with two transient, older men. When taken in, she had not been to school in years, was physically run-down, “absolutely filthy,” and had venereal disease. The real question, of course, was whether this should have occasioned her incarceration.

Confined to lower-paying jobs, cut off from Mothers’ Allowance for any moral infractions, single mothers were especially vulnerable to surveillance that was then extended to their daughters. Joan, who stole some cash from a settlement house, was sent to OTSG though she begged the judge for her freedom. The mother was deemed “incapable of handling her,” but her main shortcoming seemed to be her single parenthood: “she had married a man who deserted and was a bigamist . . . she has tried to support the family . . . and seems close to nervous breakdown.” Some courts also tended to view the background of Aboriginal girls from reserves as more likely to lead to immorality, and material deprivation was blamed more on their “lackadaisical” nature than on long patterns of colonialism. Since attempts to make one Aboriginal girl “go to school or work” had failed, it was decided “there was no other option besides Training School.” Her delinquency was also assumed from her position as “one of nine children in an overcrowded [reserve] home, economically marginal, mother out of the home.”

The insecure conditions of labour and life for many of the working poor also contributed to the criminalization of their daughters. While popular culture, along with rising wages after the war, reflected and promoted teen consumption, many children from these families had little money to spend on clothes, makeup, and restaurants, making temptations of petty theft attractive. Also, some girls were removed from school at fifteen to be used as child minders, or to find work as part-time domestics or waitresses, neither of which offered economic security. Parents with jobs that were ‘unacceptable’ (such as working in a bar) or that did not conform to a nine-to-five day were also disadvantaged. Working mothers with partners were chastised by judges for not “realizing how important it is to have a stable home life and a mother in the home.” And parental indifference was read into parents’ inability to appear in court: “Why
isn’t the father here if you can’t control [your daughter],” a Toronto judge demanded of a distraught mother who tried to explain that the father “worked in building and works away.” “If your husband is not going to come, I’ll have to send her away,” he concluded, and did. Also, some working-class parents did not want to throw away the little material security they had, for one problematic child. One father, who was fired from his labourer’s job when police repeatedly came to his worksite to report on his daughter, finally said “he does not want to see her at home at all” and to send her to OTSG.

Economic instability, desertion, and transience were also likely to lead to foster care, which made some children feel “ashamed” and “worthless.” Is it any wonder, a psychiatrist once asked, that a girl who had been in fifteen homes in seven years was “impulsive, rough, boy crazy and insolent?” Once enmeshed in a cycle of rejection, girls often saw little payoff in conforming to social norms, and foster parents could simply send the girl back if she had problems. Indeed, there were few homes that would take female teens — unless they were going to scrub the floors. Though some foster children found love and care, other children’s stories of physical and sexual abuse were discounted. The outward respectability of foster parents impressed social workers who later sometimes were forced to admit their mistakes. Social workers’ faith in the foster parents’ religiosity as a sign of their good parenting was tragically displayed when one OTSG ward became pregnant by a well-respected “church going” foster father. Even though he clearly “took the blame,” the CAS and OTSG decided not to prosecute him, knowing that the girl’s record included ‘sex delinquency,’ which might be used in court to place blame her — an interpretation even they entertained.

Poverty also discouraged women from leaving violent partners, thus increasing the risk of their daughters’ running away. And it accentuated illness and disabilities, leaving parents poorer, angry and frustrated, and children isolated and alienated. Nine years after a “deaf” girl was first designated a CAS “problem,” OTSG finally pressured the parsimonious government into providing a hearing aid. By this time she had been incarcerated for running and immorality, though her claim of familial sexual abuse was rejected. “She is not crazy, though a little paranoid,” commented the psychiatrist reasonably, “due to the fact she can’t hear.”

Girls in Conflict with the Law

273
Economic insecurity was often inextricably intertwined with sexual misconduct. An “immoral” fifteen-year-old was removed from her rural home after a pregnancy exposed her ongoing sexual relationship with the family’s landlord. Sex with him, and also her stepfather, she claimed, had been encouraged by her mother. The court and OTSG worried primarily about taming her sexuality to prevent future pregnancies, obscuring the way in which her sexual behaviour was connected to economic survival. In return for sex, she had lived in the house rent-free, looking after five younger siblings, while her parents travelled elsewhere looking for work.\(^{132}\)

For those who were very poor, despair, resignation, and anger literally became inscribed on their psyches. As one girl commented, why should I “grow up when all adults are unhappy . . . I do not know one good marriage” “Look at my mother,” she added, who knew only poverty, “illness, one child after the other” and death from tuberculosis.\(^{133}\) Girls’ consciousness of the hardships faced by their families and concern for siblings sometimes drew them back to families they were told to forsake, even those families that had mistreated them. Well aware of the way in which the material shaped their lives, these girls were just not encouraged to speak about it by experts more concerned about their sexual activity.

Finally, girls’ refusal or inability to support themselves contributed to court appearances and became a rationale for a training school sentence. Probation officers often worried about girls’ failure to embrace the work ethic, but girls may have realistically assessed the insecure and poorly paid jobs of mothers and fathers and concluded they were little interested in entering the job market.\(^{134}\) Parental support for an OTSG sentence was also secured by the promise of vocational training for their daughters; in practice, though, wage work was stressed over extended education. Some concerned superintendents had to beg for the paltry funds necessary for ‘exceptional’ girls to continue with their high school education. By sixteen, government bureaucrats claimed, “they should be earning their keep.”\(^{135}\) This meant preparing girls for jobs that fit their sex/class position, and their presumed intelligence level. While a minority of good students were encouraged to move into pink- or white-collar jobs, the overwhelming number of girls were channelled into factory and domestic work; even in the prosperous 1940s, girls deemed successful became
good maids who “knew how to serve.” The probation officer could not have been clearer about the prescribed class position these girls were to assume. The discursive construction of delinquency, therefore, cannot be disentangled from the material context of girls’ lives. In the eyes of the authorities, reform of girl delinquents necessitated interconnected moral lessons about working-class labour, femininity, and sexuality.

**Whither the State?**

In the World War II and postwar period, the treatment model and socialized or ‘informal’ justice offered by Family Courts expanded its reach across Ontario, though at the same time the numbers of children before Ontario courts increased, as did the number of youth institutionalized in training schools. In fact, Ontario’s Tories positively bragged about the construction of new youth institutions in the late 1950s, offering this as a proof of the ‘Progressive’ side of their political label. The expansion of socialized justice did not mean less surveillance of juveniles, nor was it autonomous from the state; indeed, it was linked to the formal state apparatus at many contact points.

Yet in recent writing, the Foucault effect has led to a ‘downgrading’ of the state, and suggestions that we redirect our analytical gaze to decentralized, local networks of power. Linked to Foucault’s understanding of power was a critique of Marxist conceptions of the state, which supposedly portrayed the state as a dominating, overarching presence, a reflection of centralized, key interests. Power, Foucault argued in contrast, is not located or held by agencies like the state, but rather expresses itself through tactics and technologies that can only be tracked at the micro level. Modern society was less characterized by state domination, more by “governmentalization of the state,” that is, the many regulatory techniques and activities, including those in daily life, that govern conduct between and among individuals, organizations, and even within the self.

Although Foucault argued that the law was a form of power imposing its own truths, he also saw it as “invaded” by new methods of power; the centre of gravity had shifted to discipline and normalization. Thus, our critique should focus not on the ‘pre-modern’ form of juridical power,
but more on disciplinary power. Yet even legal scholars sympathetic to Foucault have taken issue with this downgrading of juridical power and the state, arguing that he eclipses the historical evolution of the democratized modern state, artificially divides the law from the disciplines, and obscures the fact that “juridical power is still formidable.”

In the 1940s and 1950s, the state actually extended its command over the juvenile justice system. In the previous decade, for example, the provincial government had taken over industrial schools, previously overseen by boards of the philanthropic elite. Arguing that the conditions and education provided by private charity were inadequate, the government decisively extended its own regulatory control, which culminated with legislation subsuming industrial schools under training schools in 1939. The government at first designated training schools as ‘welfare’-related institutions, but increasingly, they were placed (where they belonged) within the orbit of correctional institutions.

During World War II and after, provincial bureaucrats gave directions to these institutions on everything from appropriate group outings, smoking, and church going to more basic questions of discipline for runaways. Very little escaped their view; when OTSG allowed one girl to drive a tractor, they were reprimanded by the government for encouraging “inappropriate work” for a young girl! Psyche experts were drawn into the service of the state bureaucracy, as consultants and researchers, shaping these policies, and using their connections to social work (or criminology) schools to further the correctional agenda. But the psyche experts were not omnipotent, and some policies emerged from the government’s political agenda. For instance, one of the most contentious issues at the Galt school was solitary confinement, or “detention.” OTSG used a wing of the Mercer reformatory for its “unmanageables” until 1957, when it opened its own model detention rooms. The prison-like construction of these quarters, and practices of cutting food rations, removing girls’ day clothes, disallowing reading material — and more — brought sharp public criticism, especially from the Elizabeth Fry Society. The ensuing debates pitted bureaucrats, including the ‘psych’ experts, against the law and order superintendent, who argued for strict rules as there was “no point to staff spending their time with a bunch of psychopaths.”

Though the psyche experts won the debate, officially relaxing the punitive
rules, their influence emanated very much from the government’s fear of political fallout and scandal.

The state and the judiciary did provide a crucial means of advancing the power of the disciplines, integrating them into the practice of socialized justice. It was the great latitude offered by the JDA and TSA that allowed words like ‘incorrigible’ to become the focus of psychiatric and social work knowledge, the mode by which delinquency was delineated. However, in ideological terms, it was the law and the courts that commanded and imposed the supreme claim to final truth. The power of the psyche court professionals was enhanced by the prestige offered to their definitions by the court, and it was ultimately the judge who decided how, when, and if their assessments would be used. The law both advanced the power of the disciplines and “retained some say in how their knowledge would be used.”

Rather than presuming the ascendency of discipline over the law, it may be more useful to ask how and why law and the disciplines together produced a criminal justice system that institutionalized girls more than boys, pursued only girls for sexual crimes and targeted poor, racialized, and working-class girls.

As Dorothy Chunn also points out, many so-called specialized Juvenile Courts were actually extensions of adult justice, using the same judges and probation officers in a different time slot. Nor were girls from rural areas, reserves, and small towns likely to be examined by an array of social work and medical experts; even after they entered OTSG, these services were circumscribed. Indeed, OTSG superintendents often begged the government for additional psychiatric help. Of an incest victim, an OTSG psychiatrist remarked, “she needs intensive psychotherapy which we cannot provide here.” As Ruth Alexander points out, the official discourses defining delinquency sometimes stopped short at the reformatory gates; after incarceration, juvenile justice had as much to do with restraint and detention as with normalizing judgements — or more accurately, the two worked hand in hand.

As legal reformers began to argue in the 1960s, due process and legal safeguards for children were lacking in the delinquency laws; as a result, children and parents were disempowered, often exposing the blatant class biases inherent in the application of the law. The arbitrary, authoritarian legal regime permitted by the JDA reinforced juridical authority, even if
the courts were rhetorically denying their will to power by claiming that psychological ‘treatment’ of the offender was their primary aim. When a civil rights critique of the delinquency laws became a political force for legislative change in the 1960s, some bureaucrats and child welfare advocates opposed this agenda, defending their more ‘arbitrary’ but nevertheless welfarist/treatment model, with all the services they had built up. Yet, as Paul Havemann argues, the treatment lobby lost out in the long run. The new Young Offenders Act was a marriage of a strong ‘law and order’ lobby with the ‘civil rights’ discourse, with the latter increasingly dominated by the former. The contemporary emphasis on ‘child blaming’ that has so tragically assumed dominance ultimately reflected the political power of conservative governments, bent on reducing social services to the marginalized and embracing an ideology of child and family culpability for delinquency.149

Conclusion

In order to understand how and why girls were made into delinquents in Ontario during this period, we need to explore the origins and operation of power, the connections linking the discursive and the nondiscursive, asking not only how power ‘circulated’ through the juvenile justice system but what values and whose interests it ultimately served. Foucauldian concepts illuminate the process of constructing criminality, particularly the way in which expert knowledge became an authoritative force — equated with ‘science’ — that located the causes of delinquency in a bad environment, dysfunctional families, and (female) sexual deviance. Discourses concerning the sexualization of girls — so important to definitions of delinquency — were “shot through with power and became institutionalized as practices” within the juvenile justice system.150 Within this complex system, there were many sites of normalizing conduct, from the nuclear family to the psychiatric clinic, but it was juridical power that drew these together into a powerful force determining the fate of many girls.

We must also ask why particular constructions of delinquency came to dominate. Otherwise, we may revert to the paradigms of the 1940s and 1950s, which explained delinquency with explorations of the deviant’s ‘inner soul’ but ignored structural patterns of poverty, violence,
colonialism, and marginalization shaping their lives. In a myriad of ways, material factors shaped, mediated, and legitimized the criminalization of girls; even the discourse of sexualization was inescapably intertwined with the material in its articulation.

When examining those girls sent to OTSG, the physical, spatial, and sensory experience of poverty should not be underestimated as a stimulant to disobedience and disregard for the law, and as a basic cause of their apprehension and incarceration. Once in OTSG, sexual control, training for working-class labour, and subdued femininity were seen as combined answers to delinquency; both the analysis of delinquency and its treatment reflected systems of power and established ‘interests,’ based on class, gender, and race.

Foucauldian concepts of power/knowledge and dispersed power thus advance feminist explorations of women’s criminalization, but too rigidly applied, they may also lead to an overgeneralized, linear assumption of the medicalization of girl offenders, an eclipsing of juridical and state power, a failure to ask why power/knowledge sustains relations of ruling and oppression. Though they attempt to avoid the ‘top-down’ social control analyses, Foucauldian versions of regulation can also become ‘top-inward’ renditions of regulation, sidestepping questions of political economy, human agency, and resistance.

If we look not only for the inscription of power upon the bodies of delinquents but also at the responses of girls to their criminalization, resistance becomes more evident. Investigating girls’ reactions and replies — however fragmented and muffled — in court or in training school as ‘subjugated’ knowledges, helps to highlight the silences and omissions in historical records that are largely disciplinary in their perspective. These silences suggest that power/knowledge was sometimes less than effective in colonizing the souls of delinquent girls. While the experts asked questions about sexuality, girls responded with tales of hard work, alienating foster care, violence and sometimes, just plain adolescent rebellion. Girls’ responses and rebellions indicate, again, the need to contextualize expert knowledge in a feminist and materialist context. They may also suggest some hope that the more oppressive aspects of the juvenile justice system have been, and will continue to be, challenged by the young women who are caught in disciplinary design.
Notes

1 Archives of Ontario (AO), RG 60, Galt Training School for Girls (later Grandview) Ward Files (hereafter AO, Grandview), file 310, 1940s.

2 My use of the term ‘delinquent’ recognizes the historical and social construction of the term and does not denote an embrace of the negative designation of these girls as ‘deviant.’

3 Along with public, published material in the popular and professional presses, I have utilized Training School Advisory Board reports, Family Court Files from the County of York, Ontario Government records from Public Welfare and the Department of Reform Institutions, Elizabeth Fry and Canadian Welfare Council Papers, and also 220 case files from the Galt (OTS or Grandview) Training School. Family Court papers offer more examples of girls on probation, Training School files girls most ‘at risk.’ The latter also offer a diverse picture of offenders from north and south, rural and urban areas, as well as some reserves.

4 In this article I focus on Michel Foucault’s works that have been influential in academic discussions of crime and moral regulation and have also led to a ‘popularization’ of his concepts, including Discipline and Punish: The Birth of the Prison (New York: Pantheon Books, 1977); The History of Sexuality, vol. 1 (New York: Vintage, 1980); his essays in Colin Gordon, ed., Power/Knowledge: Selected Interviews and Other Writings, 1972–77 (Brighton: Harvester Press, 1980); Graham Burchell, Colin Gordon, and Peter Miller, eds., The Foucault Effect: Studies in Governmentality (Hemel Hempstead: University of Chicago Press, 1991).


6 As late as 1965, the federal government task force on juvenile delinquency noted that the most common cause of delinquency cited in all submissions was ‘the family’: Canada, Department of Justice Committee, Juvenile Delinquency in Canada (Ottawa, 1965), 16.


15 Library and Archives Canada (LAC), Canadian Council on Social Development (CCSD) [previously the Canadian Welfare Council], MG 28 I 10, vol. 56, file 474: letters from judges in 1942 showed some small towns and rural areas were not experiencing an increase in juvenile crime.


20 AO, Department of Reform Institutions (RG 20 Series 16-2), Container J1, “Juvenile Delinquency” file.

21 There was new concern with male gangs and female teenage pregnancy. On the former, see Kenneth Rogers, Street Gangs in Toronto: A Study of the Forgotten Boy (Toronto: Ryerson Press, 1945).


26 AO, RG 20, 16-2, Container J 36, “Select Committee on Reform Institutions” quotes from Globe and Mail clipping, 10 November 1953.
Girls in Conflict with the Law


29 By ‘psyche’ professions I am referring to psychiatrists, psychologists, and social workers, all used, in overlapping ways, in court assessments.

30 Michel Foucault, Discipline and Punish: The Birth of the Prison (New York: Pantheon, 1977), 27.

31 Foucault, Discipline and Punish, 177, and History of Sexuality, 144. For feminist re-interpretations of such Foucauldian concepts, see Sandra Lee Bartky, Femininity and Domination (London: Routledge, 1990); Susan Bordo, “Feminism, Foucault and the Politics of the Body,” in Up Against Foucault: Explorations of Some Tensions Between Foucault and Feminism, ed. Caroline Ramazanoglu (London: Routledge, 1993), 179.


33 Foucault, Discipline and Punish, 222–23. As Allan Hunt notes, Foucault explores the interdependence of the law and the disciplines, but there is still a tendency for the disciplines to dominate the law. See Alan Hunt and Gary Wickam, Foucault and Law (London: Pluto, 1994), 47 and 49.


35 AO, York County Family Court Records, Box 1524, unnamed file, 1950s.

36 Roy Brillinger, “The Judge and the Psychiatrist — Toward a Mutual Understanding” Canadian Journal of Corrections 1, no. 2 (1958). Brillinger was the director of the Hamilton Mental Health Clinic and did many assessments of incarcerated juveniles.


39 Sumner, Sociology of Deviance, 76.

40 I use terms like ‘retarded’ in their historical context. By the 1950s there are some OTS psychologists and psychiatrists who note that IQ tests are shaped by “socio-economic factors” (AO, RG 60, Grandview file 2353, 1950s) and are “only a starting point.”


42 Sheldon and Eleanor Glueck, Five Hundred Delinquent Women (New York: Knopf, 1934), 302. With “this swarm of defective, diseased, anti-social misfits,” the Gluecks concluded, it is a “miracle” the proportion that do get rehabilitated. For one Canadian citation, see Margaret Strong, “Women and Crime in Canada,” Canadian Welfare (July 1947): 12.

43 Ontario, Annual Report of Ontario Training Schools, 1933–59. These categories do change over time but focus very much on the ‘home’ as the cause of delinquency.

44 Ibid., 1959.


46 Sheldon and Eleanor Glueck, Five Hundred Delinquent Women. Many girls were arrested to begin with for running away from home. Also, girls’ files may have stressed broken homes, given the assumption that this especially emotionally harmed girls. See Elliott, Gender, Delinquency and Society, 45.


49 AO, Grandview file 1560, 1950s; file 2292, 1950s.


51 Kate Friedlander, quoted in Halleck, Psychiatry and the Dilemmas of Crime, 96.


54 Adams, The Trouble with Normal,

55 Yet this statement seems to contrast with her other conclusion that the “real issue is the nexus between the welfare and criminal systems [my emphasis]”: Kerry Carrington, Offending Girls: Sex, Youth and Justice (Sydney: Allen and Unwin, 1993), 107 and 27.

56 AO, RG 20 16-2, Container J21 “Galt” file, Letter of OTS Superintendent to Deputy Minister, 6 November 1952.


59 Trends in the Toronto Family Court are significant, as it was the largest one in the province. My conclusions are taken from a larger statistical study based on Toronto, Annual Report of the Family Court, 1940–1953 (after 1953, it became the Metro Family Court and similar statistics are not available), using the category “Offenses Which Brought Children to Court” for girls and boys. To give one example: in 1950, 56 percent of the boys and 26 percent of the girls were brought for theft, while 6 percent of the boys and 47 percent of the girls were brought for incorrigibility.

60 The larger statistical analysis of Toronto Family Court, ibid., supports these conclusions. See also Ontario, Annual Report of Ontario Training Schools, 1940–1959, under their category “Number of Times Before the Court.” In 1955–56, for instance, 71 percent of the Galt girls had no court appearances and 24 percent only one. However, 39 percent of Bowmanville boys had no court appearances, 31 percent one appearance, and 16 percent two appearances. (It is true that more girls may have been processed as ‘occurrences,’ thus biasing these numbers.) For similar conclusions on institutionalization, see Dorothy Chunn, “Boys Will Be Men, Girls Will Be Mothers: The Legal Regulation of Childhood in Toronto and Vancouver,” Sociological Studies of Child Development 3 (1990): 87.

The judge stressed that she must attend church in the morning, as evening services presumably posed more after-church temptations.

Venereal disease and illegitimate pregnancies might also be signs of delinquency, though by the 1950s, pregnancy might be ‘treated’ with other kinds of isolation. See AO, RG 20 16-2, Container J76, File “Training Schools,” Statement from TSAB to Child Welfare Council, 1962: “Training School is no place for a girl in this condition...[although] in a sense, all unmarried mothers have been delinquent.”

In the 1940s there is some evidence that white women were also targeted for sexual relations with Aboriginal and Asian men. However, there was not the same concern about the sexual transgressions of ethnic or religious boundaries. See Joan Sangster, “Incarcerating ‘Bad Girls’: The Regulation of Sexuality Through the Female Refuges Act in Ontario, 1920–1945,” Journal of the History of Sexuality 7, no. 2 (1996): 239. Also, Aboriginal (and Afro-Canadian) women were not similarly punished for sex with white men. On Aboriginal women, see Joan Sangster, “Criminalizing the Colonized: Ontario Native Women Confront the Criminal Justice System, 1920–1960,” Canadian Historical Review 80, no. 1 (March 1999): 32–60.

The 12 percent is taken from my larger, overall study of 350 Galt inmates, from files sampled in the years from 1933 to 1960. This only includes girls who clearly reported incest. Others referred to “bad experiences,” abuse, and ill treatment by male relatives but refused to give other details.

In the 1950s, the superintendent once remarked, “G— is one of our many victims of incest”: AO, Grandview File 1565, 1950s. See also June Callwood’s discussion of Galt: “The Most Heartbreaking Job in Canada,” Maclean’s, 1 Dec. 1953, 12.


82 AO, Grandview file 2277, 1950s.

83 AO, Grandview file 290, 1940s.

84 RG 20 16-2, Container J 21, “Galt Inmates” File. Memo to Detention by Superintendent Isobel Macneil. The government was extremely upset with Macneil when the memo was leaked to them.


87 AO, RG 20 16-2, Container J 21, “Galt Inmates” File, Memo of Isobel MacNeil to Deputy Minister, 6 Nov. 1952.

88 Ibid.


90 Foucault, in Power/Knowledge, ed. Gordon, 98.

91 Ibid., 98 and 128.

92 Quoted in Alcoff, “Feminist Politics and Foucault,” 75.

93 For example, Judge Orde’s decision in R. v. James Vahey (1931), rejected a common law union as an inevitably “immoral” influence on children. Many social workers opposed this view and, aided by the Canadian Welfare Council, pressed for legislative changes to make common law unions a sign of immorality. See LAC, CCSD Papers MG 28 I 10, vol. 31 file 151, and vol. 32, file 151.
Through Feminist Eyes

94 AO, Grandview file 420, 1940s.

95 Donzelot, The Policing of Families, chap. 4. Donzelot implies that fathers were “silenced” in court, unlike mothers (104), a situation that was not true here. Nor was the family necessarily a “sanctuary” (98) for children, offering protection from an omnipotent state.

96 For example, data collected from Toronto, Annual Report of Family Court, 1940–52, indicates that parents were more likely to bring complaints against daughters than sons, while the police were more likely to bring complaints against boys.

97 AO, Grandview file 850, 1950s.

98 AO, Grandview file 1647, 1950s. The Annual Reports listed committals by “race” and “nationality,” but these statistics are problematic: for example, “Indian” may refer only to status Indians, and the province’s definition of “nationality” changed over time. However, it seems that few Native girls (usually one or two a year, less than 3 percent of committals) were sent in the 1930s and early 1940s. After 1948, their numbers rose: for instance, in 1948, they were 4 percent of committals, in 1954, 8 percent, in 1955, a high of 15 percent, in 1959, 7 percent. On the causes of overincarceration of Native women in the 1950s, see Sangster, “Criminalizing the Colonized.”

99 AO, Grandview file 2084, 1950s.

100 AO, Grandview file 1555, 1950s.

101 AO, Grandview file 1610, 1950s.

102 Foucault in Power/Knowledge, ed. Gordon, 82.

103 AO, Grandview file 90, 1930s. Although the quote comes from the 1930s, the attitude persisted in subsequent decades.

104 AO, Grandview file 2040, 1950s.

105 The mother wanted her put in a “Christian home,” not OTS, but the judge disregarded her. AO, Grandview file 470, 1940s.

106 AO, Grandview file 2356, 1950s.

107 AO, Grandview file 1495, 1950s.

109 Foucault’s analysis is especially apt for delinquent girls who were accused of immorality, but economic and property offences — the more common offences for all people — fit the analysis less aptly. See Hunt and Wickam, *Foucault and Law*, 58.

110 AO, Grandview file 2289, 1950s.


114 Ibid., 139.

115 The vast majority of girls sentenced to OTS came from working-class families, and many had fallen on hard times and were seen as an ‘underclass’: their parents were underemployed, unemployed, on relief or welfare, or had simply deserted. In a sample of one hundred cases where the parents’ background was quite clear, for example, only six families could be called ‘middle-class’ or were better-off farmers.


117 James Struthers, *The Limits of Affluence: Welfare in Ontario, 1920–70* (Toronto: University of Toronto Press, 1994), 142, points out that the poor were extremely marginalized in the 1950s as they “slipped even further behind the rising prosperity.”

118 AO, RG 20 16-2 Container J 15, “Galt” file. OTS Superintendent to Deputy Minister, 18 Nov. 1953.


120 Gerald Markowitz and David Rosner, *Children, Race and Power: Kenneth and Mamie Clark’s Northside Centre* (Charlottesville: University of Virginia Press, 1996), 84. See also Grygier, “Social Adjustment, Personality and Behaviour in Ontario Training Schools,” 37: “psychotherapy was not favoured for subjects of low socio-economic status.”

121 AO, Grandview file 905, 1940s.

122 AO, Grandview file 1440, 1950s.

123 AO, Grandview file 1521, 1950s.
124 Ibid.
125 AO, Grandview file 2080, 1950s.
126 AO, Grandview file 420, 1940s.
127 AO, Grandview file 2120, 1950s.
129 AO, Grandview file 320, 1940s.
130 AO, Grandview file 2295, 1950s.
131 AO, Grandview file 853, 1940s.
132 AO, Grandview file 2326, 1950s.
133 AO, Grandview file 320, 1940s.
134 As Gisela Konopka, The Adolescent Girl in Conflict (New Jersey: Prentice Hall, 1966), 73, points out, middle-class social workers saw work outside the home as “positive,” but the girls knew theirs would more likely resemble drudgery.
135 AO, Grandview file 830, 1940s.
136 AO, Grandview File 825, 1940s.
139 Burchell et al., eds., The Foucault Effect, 2–3 and 102–3.
140 Foucault, Discipline and Punish, 170.
141 Smart, Feminism and the Power of the Law, 4.
143 AO, RG 20-16, Container 47, “Galt” file, Minutes of meeting to discuss detention, 8 Jan. 1958, quote from OTS Superintendent.
144 Hunt and Wickam, Foucault and Law, 49.

146 AO, Grandview file 1651, 1950s.


149 Paul Havemann, “From Child Saving to Child Blaming,” 231.

150 Janet Ransom, “Feminism, Difference and Discourse,” in *Up Against Foucault*, ed. Ramazanoglu, 123.