

Review

Looking for Ashley: Re-reading What the Smith Case Reveals about the Governance of Girls, Mothers and Families in Canada

by Rebecca Jaremko Bromwich, Demeter Press, 2015, 255 pp
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There is increased recognition across a number of Western jurisdictions that women are a fast-growing group in prison populations. In Australia, women (and specifically Indigenous Australian women) are identified as the fastest-growing prison population. Associated with this recognition, there has been increased discussion in media and public policy about the various issues women in prison face, including histories of abuse, substance use, mental health, domestic violence, homelessness and social exclusion. Women with lived experience of prison and their representative organisations (in Australia see, for example, Sisters Inside and Women in Prison Advocacy Network) are increasingly contributing to these debates. Recently, attention has focused on the brutal treatment of Indigenous males in Northern Territory juvenile detention centres, in light of the ABC *Four Corners* documentary on abuse at the Don Dale Correctional Centre (ABC 2016), which has sparked a broader public debate about the Australia-wide treatment of children in institutional ‘care’ across detention and child welfare. In this contemporary context of public discourse around female incarceration, *Looking for Ashley* is a timely and important contribution not only to the debates around female incarceration, but also because it illuminates the significance of how we (scholars, advocates, politicians, women with lived experience of prison) talk about female prisoners to contesting the broader systems that support their incarceration.

Looking for Ashley provides an in-depth critical discourse analysis of the diverse legal, political and cultural representations of Ashley Smith. A White, middle-class Canadian young woman, Smith entered the juvenile detention system in 2003 at age 15 for an offence related to throwing apples at a postal carrier. While the initial sentence for the offence was one month’s imprisonment, this period of incarceration was extended due to a number of offences in custody, such that she remained in custody and was transferred into the adult correctional system aged 18. During her incarceration, Smith engaged in incidents of self-harm and spent time in solitary confinement. Aged 19, on 19 October 2007, Smith died in her cell from self-strangulation while prison officers watched and videotaped the event from outside of her cell. A lawsuit and two coronial inquests followed, focused on the role of prison officers and prison management in her death and whether anyone should be legally accountable for it. Smith’s death attracted considerable media attention and political discussion and become a basis for broader discussions in Canada around female incarceration.

In *Looking for Ashley*, Bromwich is less concerned with what happened to Smith and who should be held responsible than with how the different legal, political and cultural representations of Smith after her death resulted in different views on causality,

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responsibility, accountability and injustice in relation to her death. Bromwich draws on interdisciplinary theory such as critical criminology, feminist theory and cultural studies to engage in a close analysis of various texts on Smith (media reports, inquest reports, television documentaries, and advocacy reports) to explore their representations of her. Bromwich focuses on three approaches to representing of Smith: prisoner (in the inquests), child (in the media) and mental health patient (by advocates).

Looking for Ashley is structured into six chapters. In the latter half of the book (chapters 3 to 5) Bromwich carefully dissects each approach to representing Smith and the concluding chapter 6 offers an incisive analysis across the representations and moves forward to question alternative approaches to female prisoners' agency. However, in contrast, the first two chapters of the book (particularly chapter 2, with more than 50 pages devoted to literature review and methodology) feel overly long and not sufficiently linked to the core analysis of the book.

Ultimately, while the representations of Smith as a 'child' or 'patient' more successfully constructed her as deserving of 'victim' status and hence seem *prima facie* more promising in establishing the injustice of her death, Bromwich compellingly argues that reconfiguring Smith in these ways is problematic for at least three reasons. First, these representations confirm gender, racial and class norms that 'normalise' Smith and legitimise incarceration of and violence against abnormal, deviant girls. Related to this, these representations obfuscate the importance of confronting the systemic violence against prisoners as prisoners (as opposed to as children or as mentally ill persons). And, third, the representations of Smith as other than a prisoner exceptionalise her death and shift attention away from the (at times lethal) violence of systems of incarceration. Contrary to the effect of these representations, through her discussion of Smith's journey through the criminal justice system — notably the impact of seemingly 'mundane' prison management and prison discipline procedures — Bromwich demonstrates that: '[T]he death of Ashley Smith [was not] an exceptional or aberrant event but an instance of the day to day brutal bureaucratic logics acting as usual' (p 202).

One of the strongest elements of *Looking for Ashley* relates to the critical spotlight it shines on the legal dimensions of incarceration. One aspect of this is the analysis of the different representations of Smith as illuminating prison as a site for rendering violence, exclusion and death inevitable — a site for 'necropolitical' management (Mbembe 2003). What makes Bromwich's contribution to the growing body of scholarship on the necropolitics of criminal justice system (see, for example, Lamble 2013; Razack 2012, 2013; Wadiwel forthcoming) particularly significant and insightful is her close examination of the Smith case via a splitting of 'death' into social, legal and (ultimately) biological death and her critical examination of legal issues of causality and responsibility over a longer timeframe beyond the specific 'event' of her 'biological death'. Another aspect is the complexity of the special rules governing conduct of prisoners that generate further offences and more punishment (see also discussion in Hannah-Moffat and Klassen 2015). This element of *Looking for Ashley* is not merely of scholarly significance. The consequences of prison conduct rules suggest the urgency for temporal and spatial shifts in how law reformers and teachers of undergraduate criminal law view the relationship between the 'administration of sentences' involved in incarceration and the criminal law 'proper' of the legal decisions of conviction and sentencing (two areas typically viewed separately but which Robert Cover (1986) highlighted 30 years ago are indelibly linked in the notion of 'legal violence'), and address the relative lack of significance granted to the legal framework of incarceration itself.

Bromwich, who in the first chapter of her book identifies as having interactions as a child with child welfare and criminal justice systems (pp 1–3), argues throughout that the political agency of female prisoners is central to contesting the violence of incarceration. This argument has implications for activist interventions in incarceration. She highlights the risks inherent in how advocates represent individuals the subjects of their causes through her critique of the denial of political agency in the ‘patient’ representation of Smith, which was largely deployed by advocacy organisations. Bromwich’s concluding chapter provides some discussion of ‘agentic openings’ to emerge from her analysis of the case. Yet one disappointment of Bromwich’s critique of the ‘patient’ representation of Smith is that she does not engage with critical disability studies, mad studies and anti-psychiatry literature, all of which suggests agentic openings within disability itself (including mental illness) as a form of political difference (Ben-Moshe, Chapman and Carey 2014; Dowse forthcoming; Spivakovsky 2014; Steele (2017); Voronka 2013).

Ultimately, this book is an enriching read for students, scholars and practitioners in criminology, law, child welfare, social policy and forensic psychology. Bromwich forces us to not only think about the legal and material circumstances that enable violence against female prisoners, but suggests new sites for contestation and engagement, and reminds us that women’s agency is vital to this project.

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