

Intersectional Power Dynamics in Preventive Detention

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Abstract

In the Austrian judicial system, individuals who have violated the law due to a mental illness are placed and cared for in specialized forensic-therapeutic centres for an indefinite period. Women represent a statistical minority within this system, which affects the lived realities of those affected in various ways. Theoretically, it is assumed that this legal system of forensic measures functions as a microcosm of society, structured by intersectional categories of difference such as gender, race*, and class. These categories, in turn, produce power relations, including e.g. racism, heteronormativism, and classism (see Collins, 1991; Collins & Bilge, 2020; McCall, 2005; Winker & Degele, 2009). While these intersectional power and domination structures shape the living conditions of women within the forensic measures system, they do not entirely determine their actions. However, the affected individuals are not determined in their actions by these power relations. They develop agency – strategies to navigate these intersectional conditions and remain capable subjects.

This presentation introduces a qualitative study that examines these intersectionally intertwined power relations affecting female offenders. To analyse these dynamics, narrative biographical interviews with mentally ill female offenders were conducted and analysed, using the method of intersectional multi-level analysis according to Winker and Degele (2009).

Keywords: agency; female offenders; Intersectionality; preventive detention, social science