

TOO FEW TO MATTER

JOANE MARTEL

Institutional Inertia in the
Prisoning of Women in
Canada and Québec



TOO FEW TO MATTER

Institutional Inertia in
the Prisoning of Women
in Canada and Québec

TOO FEW TO MATTER

Institutional Inertia in
the Prisoning of Women
in Canada and Québec

JOANE MARTEL



Presses de
l'Université Laval

Nous remercions le Conseil des arts du Canada de son soutien.
We acknowledge the support of the Canada Council for the Arts.



Conseil des arts
du Canada

Canada Council
for the Arts

Each year, Presses de l'Université Laval receives financial support from the Société de développement des entreprises culturelles du Québec for their publishing programs.

SODEC

Québec 

**Bibliothèque et Archives nationales du Québec and Library
and Archives Canada Cataloguing in Publication**

Title: Too few to matter : institutional inertia in the prisoning of women in Canada and Québec / Joane Martel.

Names: Martel, Joane, 1962- author.

Description: Includes bibliographical references.

Identifiers: Canadiana (print) 20230071376 | Canadiana (ebook) 20230071384 | ISBN 9782766300914 | ISBN 9782766300921 (PDF)

Subjects: LCSH: Reformatories for women—Canada—History. | LCSH: Reformatories for women—Québec (Province)—History. | LCSH: Women prisoners. | LCSH: Imprisonment—Canada. | LCSH: Imprisonment—Québec (Province) | LCSH: Alternatives to imprisonment.

Classification: LCC HV8738.M37 2023 | DDC 365/.430971—dc23

Linguistic revision: Linda Arui

Page layout: Diane Trottier

Cover design: Laurie Patry

© Presses de l'Université Laval 2023

All rights reserved

Printed in Canada

Legal Deposit 4th Quarter 2023

ISBN : 978-2-7663-0091-4

ISBN PDF : 9782766300921

Les Presses de l'Université Laval

www.pulaval.com

Any reproduction or distribution in whole or in part of this book by any means is forbidden without written permission of Presses de l'Université Laval.

Foreword

This book focuses on the imprisonment of women in Canada and Québec. It is interested, more specifically, in prisons' tenacity through time and space. The reflection developed in this book took shape in my mind when, in 2016, the Québec government decided to shut down Maison Tanguay, its main prison designated for women, for reasons of dilapidation, and to move the women prisoners to a former federal penitentiary for men that the federal government had closed a few years earlier for the same reasons. Are incarcerated women forever destined to occupy decrepit spaces that men no longer want or need? How could this still be happening in 2016 despite the notable number of critical analyses, historical and contemporary, of women's treatment in prison? Thirty years of academic research on a variety of issues faced by incarcerated women have taught me that imprisonment, as a penal device, is surprisingly tenacious. Nearing the end of my scholarly career, I felt it was important to look straight into this tenacity and to shed light on its contours using a novel theoretical perspective. I hope that this book will be useful to scholars in carceral sociology, to correctional decision-makers and, above all, to the community organizations that, every day, deliver crucial services to incarcerated or released women who often struggle to forge a pathway for themselves through the opaque twists and turns of prison or the adversities of their own community resettlement upon their prison release.

I would like to express my eternal appreciation to the women with lived experience of incarceration who collaborated in this research and without whom this book would have remained an intangible idea. Their selfless involvement in this study is a testament to their human strength, courage, and extraordinary resilience in the face of adversity, of which imprisonment is not the least. I hope that this book is a witness to their

unrelenting resistance to their own and other women's dehumanization in prison. This book is dedicated to them.

Warm thanks, also, to my research assistants Caroline Pelletier and Daniel Benson for their highly contributive work in data collection and coding; to my research assistant Simon Bélanger who collated media stories on the 2016 Leclerc transfer and the subsequent prison conditions; to Karine Lacoste and Kathy Jaworski for their verbatim transcriptions of the women's interviews and to Jean-François Gaudreault, the graphic artist who designed the timeline that synthesizes the main argumentation supported in this book. I would like to thank the Société Elizabeth Fry du Québec as well as Québec City's Community Chaplaincy, which collaborated generously and made this study possible.

Loving thanks to my spouse, Yves, who not only prepared every evening meal during the last months of the preparation of this book so that I could extend writing days beyond the usual and remain focused and dedicated to writing, but also took time out of his busy professor's work schedule to provide a linguistic review of the manuscript. Without his loving support, the book would have taken much longer to come to fruition. Thank you to my strong and beautiful daughters, Séverine and Pénélope Fuxia, who have brought sunshine into my life for the past 20 years and supported the completion of this book either by enthusiastically enquiring about its development, or by turning the music down while mommy was writing in the next room. Séverine directed me to the stimulating work of cultural theorist Lauren Berlant, and I thank her for the wonderful read that complemented one of my arguments.

Within the Presses de l'Université Laval, Denis Dion, then Director of Publishing, and Marie-Hélène Boucher, Executive Director, were instrumental in the publication of this book. They initially welcomed the idea behind the book. Warm thanks to publisher Cynthia Boutillier and her wonderful team of professionals at the Presses de l'Université Laval for their expertise, openness, and patience. They read and commented on versions of the manuscript, and provided linguistic editing in both French and English. I am forever grateful for their interest and support in my work. Many thanks must be directed also to the two anonymous reviewers of the book who gracefully agreed to read and comment on the manuscript and provided thoughtful

comments and complementary analytical leads. Warm thanks to my colleague, Kelly Struthers Montford from Toronto Metropolitan University, who read and commented on an unfinished version of the book. Many of her thoughtful insights have been included in the book's final shape.

This monograph is supported with funding from the Social Sciences and Humanities Research Council of Canada (grant # 890-2014-0034), as well as with internal funding by Université Laval.

The royalties from this book will be donated to community organizations that deliver much needed services to women with lived experiences in prison.

Table of contents

Foreword	VII
Introduction.....	1
CHAPTER 1	
How to Think Women’s Prisoning.....	7
1.1 The Economic Origins of Path Dependence Ideas.....	7
1.2 The Exportation of Path Dependence Ideas in Political Science, Sociology and Organizational Studies	11
1.3 Path Dependence Insights in Criminology and Law & Society Scholarship	17
CHAPTER 2	
What Matters in Women’s Prisoning	23
CHAPTER 3	
The Tenacity of Federal Prisons Designated for Women...	33
3.1 Common Gaols, Proto-Prisons and Ontario’s Kingston Penitentiary: Women as an “Inconvenience”	34
3.2 After a Hundred Years of Squatting, the 1934 Prison for Women	41
3.3 Threading Off the Beaten Track? The 1990 Task Force on Federally Sentenced Women.	49
3.4 The Catalytic Role of the April 22, 1994, Incidents at the Prison for Women: A Push Back Toward the Hegemonic Modern Prison.	59
3.5 The Morphed Implementation of the <i>Creating Choices</i> Correctional Philosophy	67

CHAPTER 4

The Tenacity of Prisons Designated for Women in Québec 83

4.1 Women in Mixed Prison-Asylums Before the 19th Century 84

4.2 The First Dedicated Women’s Prison (1876): Hints of Hegemonic Male-Centred Prisons 87

4.3 The Maison Tanguay of Montréal (1964): Prison Conditions 94

4.4 The Closure of Maison Tanguay and the Women’s Transfer to the Leclerc Prison (2016): The Relentlessness of the Prison 109

4.4.1 The “Déjà vu” Living Conditions at the Leclerc Prison 109

4.4.2 Media and Advocates’ Indictment of Prison Conditions at the Leclerc Prison. 125

CHAPTER 5

Imagining a Scenario Without Prisons..... 139

References 155

Glossary 179

Introduction

The prison itself was a significant reform—one that repeatedly failed, only to be replaced, through reform, by a new iteration of itself.
(Rubin, 2019b:152)

Hoping to save tens of millions of dollars, in April 2010, the Canadian federal correctional authorities¹ announced the closure of two of their most decrepit penitentiaries. The first was the 178-year-old Kingston maximum security penitentiary designated for men (known locally as KP), which opened on June 1, 1835, in Kingston, Ontario, and closed on September 30, 2013. It employed approximately 460 workers and kept between 350 and 500 prisoners plus another 120 prisoners at the Regional Treatment Centre, a forensic psychiatric facility enclosed within Kingston Penitentiary's perimeter (TVA Nouvelles, 2012; Hennessy, 1999). At the time of its closure, Kingston Penitentiary held the sad record of being one of the oldest prisons in continuous use in the world. The second dilapidated penitentiary to be decommissioned by the federal government was the Leclerc medium security penitentiary also designated for men. It originally opened in 1961 in Laval, Québec, and also closed at the end of September 2013. It housed up to 481 men prisoners and employed 350 workers who learned of the closure during the Minister Vic Toews' press conference,

1. In Canada, prison sentences of two years or more are reserved for serious crimes and are served in federal institutions managed by the federal government, while sentences of less than two years are given for minor crimes and are served in provincial prisons which are under the purview of provincial governments (Alberta, Manitoba, Ontario, Québec, Newfoundland, etc.).

at the same time as all Canadians (TVA Nouvelles, 2012). In the meantime, and at a time of significant prison overcrowding in provincial prisons for men in the early 2010s, the Québec government commissioned the construction of four new men's prisons. The Roberval prison opened in the fall of 2015, the prisons in Sept-Îles and Sorel-Tracy in 2017 and the prison of Amos in 2018. Roberval was a new construction, while Amos, Sept-Îles and Sorel-Tracy replaced smaller decommissioned prisons.² While awaiting the completion of these four new prisons, and to attend to overcrowding in men's provincial prisons, the Québec government undertakes to rent the closed Leclerc penitentiary in a ten-year lease (2014-2024) with a possible lease extension of five supplemental years not excluding a conceivable purchase of the infrastructure. As a result, approximately 250 provincial men prisoners are transferred to the decommissioned Leclerc in the Fall of 2014.

On September 24, 2015, in a unilateral, unexpected decision, Québec's Ministry of Public Safety announced the upcoming closure of the decaying Tanguay institution, its sole provincial prison designated for women,³ and the women's swift transfer to the same Leclerc prison that federal correctional authorities had shut down because of its own state of dilapidation.

Since the government of Québec's original decision to rent the old Leclerc was to provide quick relief for the overcrowding in men's prisons, its subsequent decision to transfer women to the Leclerc prison goes against this very objective. Several months later, the women's transfer to the Leclerc prison was undertaken in February 2016, shortly after the hasty transfer of approximately 160 men to make room for the 248 women being relocated from the decrepit Tanguay prison. Eighty-four men remained at Leclerc in a unit separated from the

2. <https://www.securitepublique.gouv.qc.ca/services-correctionnels/milieu-carceral/etablissements-detention.html>, accessed February 16, 2021.

3. I understand that prisons for women are built on a particular social construction of the category "woman," and that persons who do not self-identify as women may be incarcerated in such prisons, while persons who do self-identify may be incarcerated in "men's prisons." Nevertheless, the term "women" is used in this book, since correctional services, both federal and provincial, continue to favour this term to differentiate between prisons where individuals of one of these two groups (men and women) are housed in a sex-segregated prison system. To recognize that "women's prisons" incarcerate cisgender women, transgender men, and non-binary and Two-spirit persons, the expression "prisons designated for women" will be favoured.

women's living areas before allegations of bullying, suggestive looks, and rubbing eventually forced the government to transfer out the remaining men (Fortier, 2016). Meanwhile, imposed gender diversity and other dehumanizing conditions such as the absence of shower curtains, the lack of clean underwear and feminine hygiene products (Nadeau, 2016d) under which the women's transfer to Leclerc was undertaken were condemned by scholars, advocacy groups, and the media as violations of basic human rights and as a deficit of governmental transparency. On May 10, 2016, three months after the women's transfer to Leclerc, Québec's Women's Federation and Civil Liberties Union, supported by nine organizations and legal professional associations, requested that the Ministry of Public Safety authorize an independent observation mission by the Federation and the Union into Leclerc to document prison conditions. On May 27, 2016, the Ministry refused, invoking security concerns and improvements that had been implemented at the prison (Alter-Justice, 2016; Lévesque, 2016). The Ministry also refused access to journalists from *Le Devoir*, a well-respected independent and large-circulation Québec-based media outlet (Nadeau, 2016a and g).

Since then, reports continue to abound about the ill treatment of women at the Leclerc prison.⁴ Yet, since the middle of the 19th century, scholarly literature on women's imprisonment and governmental inquiries of all sorts have documented the dire situation and the specific needs of imprisoned women in Canada. Historically, correctional services surfaced as a result of societies' "need" for protection against "criminals," most of whom were men. Societies reacted by sequestering these men in prisons away from the rest of the community. When studies in criminology began to document that education and professional training could facilitate successful social reintegration following imprisonment, correctional programs began to appear in prisons and were developed based on men prisoners' needs. For their part, feminist scholars and advocacy groups have maintained a constant reform narrative toward either the implementation of women-centred prison

4. Aubin, 2020; Dauphin-Johnson, 2018; Drainville, 2020; Feith, 2018; Figarol and Descoteaux, 2022; Groguhé, 2018 and 2019; Hébert, 2019; La Presse canadienne, 2019; Nadeau 2018, 2019, 2021a and b; Plante, 2019; Québec Ombudsman, 2020; Radio-Canada, 2019; TVA Nouvelles, 2018.

programming or decarceration.⁵ However, the prison conditions at Leclerc in 2016, as well as in subsequent years, suggest that the prison is resisting formidably to significant change.

This book offers a critical rereading of the history of women's prisoning in Canada, explaining its unfolding and expansion while drawing on the rich conceptual apparatus borne from political science and criminal justice reform literature on path dependence—the propensity of institutions or professional practices to bolster a given set of arrangements increasing, over time, the toll of changing them. I then use this theoretical foundation to contextualize the transfer of Québec's provincially sentenced women to Leclerc prison. The book's focus is therefore on the stability or persistence of women's prisoning despite repeated calls for humane reform. My analysis does not aim primarily to contribute to theory building of path dependence. Rather, in the hope of stimulating reflection and discussion, the book uses women's penal history as a theory illustrative case providing an analytical application of several path dependence concepts that may deepen scholarly appreciation of the mechanisms that enable the process of prisoning to stay the course despite calls for reform. Through this illustration, I seek to provide some sense of the persistence of the prison that many scholars have observed aptly in the last few decades (e.g., McMahon, 1992; Piché, 2012) but have infrequently engaged analytically with the conditions of possibility surrounding institutional and organizational stability.

Simple observation of the prison's durability is not surprising *per se*. It becomes interesting when it tells a tale of something gone wrong. I seek to address the problem of women's prisoning from a different angle, a less threaded analytical path in criminal justice which holds

5. For example, Adelberg and Currie, 1987; Balfour and Comack, 2014; Bertrand, 1979 and 1998; Berzins and Collette-Carrière, 1979; Boritch, 2001; Cadieux, 2003; Canada 1921, 1977a and b, 1978a and b, 1990; Canadian Human Rights Commission, 2003; Comack, 2018; Commission des droits de la personne du Québec, 1985; Cooper, 1987; Correctional Investigator Canada, 2010, 2014, 2019, 2020; Canadian Association of Elizabeth Fry Societies; Frigon, 2001, 2002; Hannah-Moffat, 1999, 2001; Hannah-Moffat and Shaw, 2000a and b; Hayman, 2000, 2006; Laplante, 1991; Marques and Monchalin, 2020; Martel, 2006; Martel and Brassard, 2008; McLean, 1995; McMahon, 1992; Nova Scotia, 1992; Ontario, 1995; Piché, 2012; Pollack, 2005; Société Elizabeth Fry du Québec, 2011; Turnbull, Martel, Parkes and Moore, 2018.

the potential to challenge conventional wisdom and assumptions about women's imprisonment in Canada and elsewhere. I articulate my discussion around four analytical components. The first chapter discusses relevant theoretical underpinnings of path dependence and its main uses in the criminal justice reform literature. This is followed by a brief methodological account. A third chapter brings to the fore the historical prisoning of women at the federal level by identifying important periods of stability, as well as points of critical junctures and path bifurcations. In a fourth chapter, the same is accomplished for Québec, with highlights from the media, as well as experiential data from women documenting the conditions of their transfer to Leclerc. It will be argued that women's prisoning in Québec, and in Canada in general, follows a persistent institutional path that is useful in understanding what happened at Leclerc during and following the women's transfer in 2016.

The issues discussed in this book have relevance, since women's incarceration rates have been rising in Québec (Chéné, 2020; Québec, 2020a), in Canada (Correctional Investigator Canada, 2019; Marques and Monchalin, 2020) as well as in several parts of the world (Jeffries and Newbold, 2016; McIvor, 2010; Van Hout and Wessels, 2022), often faster than those of men. Further, since geopolitical territories of the Global North commonly encounter the issue of women's prisoning, the processes discussed in the book have an empirical foundation and theoretical and policy relevance, that reach beyond the geopolitical territory within which they were studied. In France, for example, women accounted for 3.1% of the total prison population in 2022, which is equivalent to an average low of 2219 and an average high of 2282 imprisoned women (Ministère de la justice, 2022). Apart from a short but higher peak from January to March 2020 (approximately 3250 women), the number of imprisoned women rose in 2021 in France (peaked at 3050 women) as well as in 2022 (peaked at 3150 women). Such averages and peaks indicate trends that are akin to women's increasing rates of incarceration in Canada and in several other countries.

In 2016, only the Rennes penitentiary complex—opened in 1878—housed women exclusively. It is the largest women's prison in Europe, and includes one prison for sentenced women, a remand ward, a nursery, a private family unit, and a halfway house. Apart from

the Rennes penitentiary, one remand centre also housed solely women, the *maison d'arrêt* in Versailles. Approximately 15 other penitentiary complexes housed men with dedicated wards for women, such as *maisons d'arrêt*, detention centres and progressive release wards (Observatoire international des prisons, n.d.; Ministère de la Justice, 2016). Within these mixed prisons, women are isolated from men and suffer from reduced access to collective premises used notably for work, schooling, sociocultural/sports activities, and health care. According to sociologist Corinne Rostaing (2017), women's prisoning in France is based on greater moral control than the prisoning of men, whereby a significant component of the prisoning process tends to reproduce social roles traditionally attributed to women, such as maternity and the domestic sphere. Thus, women's prisoning in France follows a similar decision-making corridor as the one adopted in Canada.

For their part, territories of the Global South have different political, cultural, and prisoning contexts, varying incarceration rates and assorted prisoner profiles. Nonetheless, they face issues related to the prisoning of women like those documented in Canada and France, as well as in other countries of the Global North (e.g., Di Corleto, 2015, for South America; Chen, Lai, and Lin, 2013, for Taiwan; Van Hout and Wessels, 2022, for South Africa). One compelling example are the mandates often placed on transitioning democracies to implement criminal justice procedures and practices that endorse the rule of law based on exclusionary models of the Global North, of which the prison is a central constituent (Drake, 2018). Growing scholarship notes the spread of Western "best practices" as a hegemonic imaginary on how to manage prisons (i.e., Jefferson, 2005; Martin, Jefferson, and Bandyopadhyay, 2014). As such, geopolitical territories of the Global South may find potential resonance in this book in terms of theoretical significance and policy relevance.

From the outset, this book was motivated by a concern for human rights violations against incarcerated women in Canada in both federal and provincial correction systems. The final product, however, is not so much about women's direct experiences of prison as it is about prison practices, policies, and decisions often incapable of threading off the beaten track.

CHAPTER 1

How to Think Women's Prisoning

1.1 THE ECONOMIC ORIGINS OF PATH DEPENDENCE IDEAS

Path dependence scholars are part of the neo-institutionalist movement, a heterogeneous set of perspectives that contributed to the revitalization of the economic analysis of institutions in the 1970s. Oliver E. Williamson is considered to have coined the term “new institutional economics” in 1975 (Williamson, 1975; Klein, 1999). The neo-institutionalist movement is an interdisciplinary endeavour blending economics, law, organization theory, political science, sociology, and anthropology to understand the social, political, and commercial institutions that regulate everyday life. This group of perspectives seeks to “explain what institutions are, how they arise, what purposes they serve, how they change and how they may be reformed” (Klein, 1999:456). Within the realm of economics, neo-institutional economics, specifically, came about as a critique of the assumptions carried by neoclassical economics, which assumed that linear market mechanisms were at work in non-market institutions such as political and social institutions (like interest groups and the media), and thus that economic efficiency would prevail in such non-market institutions. A contrario, neo-institutional economics assumes that, within non-market institutions, the most economically efficient of two

or more alternatives does not necessarily prevail. Although neo-institutional economics appreciates corporate culture, organizational memory, and other such meso-social phenomena, proponents couch institutional explanations in terms of the aims, strategies, beliefs, and actions of individuals embedded in institutions (Klein, 1999).

Path dependence¹ approaches were fostered primarily by economic historian Paul David (1985), who is said to have coined the concept of path dependence. They were further advanced by economist Douglass North (1990, 2005), who placed great emphasis on related path dependence arguments in his analysis of the development of modern capitalism for which he was awarded the Nobel Prize for Economics in 1993.² These approaches describe “how the reinforcement of a given set of arrangements [in social processes] over time raises the cost of changing them” (Prado and Trebilcock, 2009: 350). In other words, institutional frameworks create incentives or constraints on contemporary organizational behavior in a way that a feature of the economy (e.g., a technical standard, a pattern of economic development) may become affected by the path it has traced in the past, by an acceptance of past actions as the norm.

An institution is thus said to be on a path dependent process when it becomes locked into a trajectory from which it can only depart with the involvement of **exogenous forces** or shocks such as major changes in the global economy, depression, or war. The COVID-19 pandemic may be such an exogenous shock forcing corporations to review traditional in-person work standards and contemplate teleworking, an organizational model toward which these corporations have been apathetic before.

In the economics literature, the development of a path dependence is a process that may become locked in. The **lock-in** concept usually refers to being “locked out of something better,” of some existing superior standard or product whose switching costs are not horrendously high (Liebowitz and Margolis, 1999: 982). This lock-in process stems, notably, from “**positive feedback mechanisms**” such as

-
1. A glossary of path dependence terms is included at the end of the book to support readers' confident navigation in the subsequent analytical chapters.
 2. <https://www.nobelprize.org/prizes/economic-sciences/1993/summary/>, accessed February 25, 2021.

network or bandwagon effects that can entrench a particular standard into manufacturer choices and consumer habits and insulate them from change. An example of a network effect is the geographical congregation of similar industries (e.g., Silicon Valley, textile manufacturers in northern Italy) which attracts skilled workers who, in turn, attract, like a magnet, more key businesses seeking skilled workers, thus forming industrial clusters, even though the location may face rising local costs (Arthur, 1994; Wolfe and Lucas, 2005). Another example suggested by Ebbinghaus (2005) is the use of emails; the more people are already using this mode of communication, the greater the benefit for others to embrace it also.

An example of a bandwagon effect is the switching to VHS production, since VCR manufacturers expected this videotape format to win the standards battle over the Betamax format (Liebowitz and Margolis, 1999).

Hence, the more a choice is made the bigger its benefit, and the more difficult it becomes to thread away from this choice as the toll of reversal (switching to some other plausible alternative) becomes increasingly costly. Progressively, the selected path will stabilize.

Pioneering economist and business mathematician W. Brian Arthur (1989) called this key insight “**increasing returns**,” whereby the benefits of engaging in certain economic activities grow rather than decline over time “as more and more people invest in a given way of doing things. As these investments—of time, money, skills, and expectations—add up, the relative cost of exploring alternatives steadily rises” (Prado and Trebilcock, 2009: 351). Increasing returns is the economic term for “**self-reinforcing processes**,” that is, “social mechanisms that are responsible for one alternative to take a lead over others” (Ebbinghaus, 2005: 9). They lead to self-reinforcing institutional patterns which are forces that sustain the decision to stay the course, despite contemporary know-how showing such patterns to be less adapted or inefficient.

According to Arthur (1994), four key characteristics of an activity or an environment contribute to this build-up effect and produce self-reinforcement: 1) large set-up or fixed costs which create incentives to “stick with” the preferred activity or environment; 2) **learning effects**, which increase gains as the familiarity with that activity itself augments;

3) the above-mentioned network effects, whereby more people derive benefits as the cluster of adherents to an activity or environment grows; and 4) **adaptive expectations**, whereby individuals adapt their actions so that they will converge toward economic or political options that are expected to generate broad acceptance. As such, they tend to engage in a “pick the right horse” gamble (Pierson, 2000: 254).

In this regard, Douglass North, in his 1993 Nobel Prize lecture (1993: section III), observed that, because individuals and organizations adapt to existing institutions, “if the institutional framework rewards piracy, then piratical organizations will come into existence,” and people will invest in becoming good pirates. Later, Ebbinghaus (2005) adjoined the following self-reinforcing mechanisms: vested interest, institutional complementarities (systems effects), and internalization (taking practices for granted).

In economic arrangements, inferior standards may persist in part because the probability of further steps along the same path increases with each action/decision down that path, rendering the path more and more attractive as its effects begin to accumulate and generate powerful circles of self-reinforcing activity, or simply said, because of the legacy these economic arrangements have built up. As a result, paths may become largely inflexible the further we are into the process, to a point where a path may eventually lock in on one product solution, industrial standard, or economic practice (Arthur, 1994: 112).

The forces that can alter such institutional trajectories are called “**critical junctures**,” (Collier and Collier, 1991) choice points (Levi, 1997: 28), triggering events (Pierson, 2000: 263) or tipping points (Ebbinghaus, 2005: 24). Within economics, they refer to random or accidental events that occur when new conditions disrupt or overwhelm the ongoing trajectory and may either initiate a locked-in path or a bifurcation toward a different path. Critical junctures are the short-term periods of institutional flux that sporadically disturb long phases of path dependent institutional stability. Such institutional instability increases the range of possible actions and decisions for key actors and intensifies their imaginable long-term impact. During critical junctures, more dramatic change becomes possible, change that may place institutional arrangements on substitute trajectories. Yet, path dependence may prevail, since deviation from a taken-for-granted journey often remains difficult to achieve.

Since the events that constitute critical junctures are accidental, it becomes impossible to identify in advance which activities will be adopted in the long run (Prado and Trebilcock, 2009). These chance events do not cancel out over time. They cannot be ignored as “noise” (Pierson, 2000: 253). Rather, they are reminisced, they build on each other, and may feed back into future choices. This means that not only big events can have big consequences, but small ones also can have major outcomes over time (such as the locking into a suboptimal, lower payoff outcome) if they happen at the right time. As a result, self-reinforcing processes may lock in a particular option even though it occurred by accident. They may also lock in a specific option even if the components undergirding the earlier advantage of that option have long since vanished.

On a wide array of research topics ranging from the spatial location of production to the rise of technologies, economists have prevalently embraced and developed path dependence ideas. In so doing, they offered precious insights into the dynamics of locking processes and recognized self-reinforcing processes as key incentives toward path dependence. The pioneering works of Paul David (1985) and W. Brian Arthur (1989, 1994) are powerful examples in this regard. However, most essentially focused on technological innovation.

1.2 THE EXPORTATION OF PATH DEPENDENCE IDEAS IN POLITICAL SCIENCE, SOCIOLOGY AND ORGANIZATIONAL STUDIES

Debates exist between economics scholars, who tend to consider path dependence as a theory, and political scientists such as Paul Pierson (2000), public policy scholars such as Adrian Kay (2003), and sociologists such as Bernhard Ebbinghaus (2005) who consider it to be much more of a concept than a theory since they believe it has difficulty explaining how or why systems may develop in a path dependent way. In particular, the concept of path dependence has thrived in the context of the revitalization of institutional theories in economics, political science, and sociology, especially since the 1990s (Ebbinghaus, 2005). Amid this impulse, in the early 2000, political scientists such as Paul Pierson imported path dependence arguments from the neo-economics literature to document how institutions materialize and adopt shapes

through self-reinforcing mechanisms, and why it becomes arduous to alter them. In contrast to the economic version of path dependence, political scientists and sociologists enlarged the concept as developed in economics to be less limiting and deterministic by suggesting that path dependence essentially aims at explaining institutional persistence and not institutional change. They also gave greater conceptual importance to the notion of critical juncture. Common to many social scientists using historical approaches, critical junctures are not the result of chance events; they stem from political conflict and power relations, whereby collective actors institute new rules during a window of opportunity for action (Ebbinghaus, 2005).

Following this train of thought, Pierson (2000) argued that Arthur's (1994) four key features of an economic activity or context that produce self-reinforcement (discussed earlier) are also present in emerging or established organizations and institutions other than those of the economic variety. Such organizations or institutions entail start-up costs; they (and their employees) learn by doing; their activities are often more beneficial if they are coordinated with those of other individuals or organizations; and they adapt their actions in ways that contribute to making expectations come true.

In this line of thought, Douglass North's (1990) application of path dependence ideas to his own reinterpretation of economic history—via institutional emergence, persistence, and change—is perhaps most significant to political scientists (Pierson, 2000). According to North (1990: 95), an interesting feature of path dependence is that the concept allows for a sophisticated understanding of “the interdependent web of an institutional matrix,” which tends to produce colossal increasing returns as the web induces complementary configurations of organizations and institutions.

Pierson (2000) explains that there are four key facets of politics that make this ambit of social life favourable to increasing returns processes. The first is the prevalence of collective action within politics, in the sense that political action habitually requires coordination. In politics, the consequences of one's actions are highly dependent on the actions of others, on one's confidence that many others will do the same, be it in developing a political coalition, funding interest groups, or promoting incarceration. Confidence that others will do the same thus

generates efforts toward collective action or behaviour coordination. In return, behaviour coordination creates forces that sustain expectations about the contemporary and future actions or behaviours of other actors. These expectations about others' actions, decisions, or behaviours become adaptive, in that actors tend to adjust their own "proper" action, decision, or behaviour on the basis of trial and error, themselves highly dependent on the actions of others. Therefore, political actors' actions, decisions, and behaviours tend to mimic those of other similar political actors. According to Pierson (2000), adaptive expectations are not only prevalent in politics, but they are also conducive to self-reinforcing processes which, ultimately, generate remarkable organizational stabilities. Hence, "self-reinforcing dynamics associated with collective action processes mean that organizations have a strong tendency to persist once they are institutionalized" (Pierson, 2000: 259).

The second facet of politics is its institutional density. Efforts toward action coordination also require the construction of formal institutions which, once launched, generate pervasive institutional restraints that are applicable to all, and are often backed up by authority, even force. This is the case, for example, with constitutional arrangements, which are legally binding rules that govern social action and are exorbitantly costly to change. Relevant to my overarching argument, Pierson (1993) also argues that, although they may be more easily altered than the organic rules of formal institutions, public policies (such as incarceration) are similarly prominent constraining and durable features of the political landscape, and their structure shapes patterns of political change. "Policies grounded in law and backed by the coercive power of the state, signal to actors what has to be done and what cannot be done, and they establish many of the rewards and penalties associated with particular activities" (Pierson, 2000: 259). Hence, since formal institutions and public policies have co-evolved over long periods of time, coordination effects are ubiquitous, and such interconnected webs create conditions highly susceptible to extensive self-reinforcing processes, and therefore to substantial resilience and inertia. Nonetheless, institutions are capable of speedy change, in many different directions, as the swift decline and transformation in post-war social institutions suggests (Karstedt, 2010).

Another interconnected facet that makes politics auspicious to self-reinforcing processes is that, over time, these mechanisms will amplify power asymmetries and render power relations inconspicuous. When actors are capable of imposing rules covertly on others, the employment of power may be self-reinforcing, since political actors may use political authority to generate (or hinder) changes in the rules to enhance their power. Such amplification of power asymmetries may craft a vein for path dependence.

The fourth and last facet identified by Pierson (2000) is politics' intrinsic opaque environment compared with the economic realm, which is believed to use an array of observable, unambiguous, and transparent indicators³ and other metrics to account for and adjust economic performance. Although complications certainly may arise in the economic realm, these tools—as well as others such as competition and learning—are thought to enable economic actors to rectify errors over time. It is believed that, in a market economy, competitive pressures mean that new, more efficient organizations grow and eventually replace suboptimal ones. Learning means that organizations that face unanticipated consequences will learn from them and understand them, which, in turn, will generate anticipation and the subsequent modification of the organizational design.

Pierson argues that it is much more difficult to correct mistakes in politics, since 1) it lacks clear-cut and transparent measuring rods; 2) political actors, especially politicians, have short time horizons as well as rapid turnover rates; 3) formal institutions and public policies are designed to be change resistant and difficult to overturn (the persistence of penalization comes to mind); and 4) actors who operate in social contexts of high complexity and opacity like politics tend to incorporate confirming information and filter out disconfirming information from their mental maps and, as a result, learning becomes arduous. In turn, mental maps become shared with other political or social actors and generate network effects as well as adaptive expectations which, over time, generate “communities of discourse” that replicate and institutionalize similar ideological paths (Pierson, 2000:

3. Economists such as Diane Coyle (2014) and sociologists such as Theodore Porter (1995) have argued that economic indicators are far from transparent and unambiguous.

260). Following Pierson (2000) and Ebbinghaus (2005: 10), I adopt the view that path dependence is often the outcome of “multi-actor collective interaction.” As a result of the above dimensions of politics, it becomes more difficult to reverse course in politics, since this realm is “unusually prone to increasing returns” (Pierson, 2000: 262). Furthermore, the high complexity of the goals of politics “as well as the loose and diffuse links between actions and outcomes render politics inherently ambiguous” (Pierson, 2000: 260).

Apart from their successful importation into political science, path dependence ideas have also been adapted into sociology and organizational theory. Historical sociologists, such as James Mahoney (2000, 2002: 7), have emphasized the importance of willful actors’ agency and choices in shaping outcomes “in a more voluntaristic fashion than normal circumstances permit” during critical junctures. For their part, scholars in organizational processes have used path dependence ideas predominantly to explain the persistence and rigidification, or narrowing down, of organizational routines. According to Schreyögg and Sydow (2011), an emerging theory of organizational path dependence has received sustained attention in organization and management studies since the beginning of the 2010s.

Schreyögg and Sydow (2011) offer a three-stage organizational process of becoming path dependent. The first is the “**preformation phase**,” where the scope of organizational action is not restricted significantly albeit by the organization’s heritage of rules and culture. It is a period of open access to a wide range of possible actions/alternatives.

Stage two is the “**formation phase**” which begins when a decision has been made, or an action has been taken in stage one. It begins with a critical juncture. Unlike original economic path dependence thought, organizational analysts argue that “[a]s organizations are social systems and not natural entities, triggering events in organizations are likely to prove not so innocent, random, and small” (Schreyögg and Sydow, 2011: 324). According to other scholars in organizational analysis such as Garud, Kumaraswamy and Karnoe (2010), serendipity needs not, in fact, be accidental or non-purposive. Rather, it can be nurtured by embedded actors making meaning out of what they come upon. Notwithstanding their size, actors’ initial decisions or actions may not be considered causal determinants of path dependence, since they are essentially fortuitous, and the result cannot be identified before the

path dependent process has taken shape. This happens in stage two (formation phase), where a dominant action pattern begins to emerge, and an initially unspecified logic begins to take on a trailblazer role as alternative patterns have increasing difficulty attracting notice and approval, thus furthering the irreversible character of the process. At this stage, though, decisions made by embedded actors are still contingent; not accidental and not yet predictable. They try to navigate their way through a birthing process (Garud, Kumaraswamy and Karnoe, 2010). With time, a process becomes patterned and is reproduced over a certain timespan through increasing returns processes and positive feedback mechanisms (e.g., coordination effects, network effects, bandwagon effects, adaptive expectations effects).

Stage three is the “lock-in phase,” which involves a further contraction of the dominant pattern which will eventually crystallize. As a result, “when faced by more efficient alternatives or critical changes in the system’s environment, decision processes and established practices tend to continue to reproduce this and only this particular outcome” (Schreyögg and Sydow, 2011: 325).

The organizational approach to path dependence is less restrictive than that developed in economics. Organizational path approaches use a modified conception of lock-in, one that is less quasi-deterministic, since organizational processes are social in nature, more complex and ambiguous. Their conception of the lock-in leaves a corridor of possible variations. Contrary to a deterministic vision of the lock-in that rejects individual actors’ self-determination and discounts the prospective for change, organizational and sociological views of lock-in do not rule out ongoing adjustments of an institution to the very environment that may be indispensable for its enduring survival. Nonetheless, organizations engaged in locked-in institutional arrangements run the risk of losing some of their flexibility because they lose the ability to adapt to better alternatives, and thus remain enclosed in existing paths that may reproduce ineffective, perhaps inhumane, solutions.

Support for organizational path dependence has been offered by several authors. Baron, Hannan and Burton’s (1999) analyses of managerial intensity within young technology start-up companies in California’s Silicon Valley found that firms whose founders adopted a bureaucratic model later showed more intensive managing than firms whose founders privileged a commitment model. Such findings support