

# Practicing Dorothy Smith's feminist alternative sociology in the criminal justice system: A case study

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## Abstract

This paper illustrates, through a case study, the potential of Institutional Ethnography (IE) as a research approach to study and transform the criminal justice system.

IE is a research approach developed by the Canadian sociologist Dorothy E. Smith that focuses on how texts and language coordinate people's lives across different contexts.

In resisting prescriptive theories, Smith (1987) defined IE as an 'alternative sociology', a combination of an innovative feminist-Marxian critique of the sociological tradition and insights from ethnomethodology.

IE examines institutional forms of social organisation, placing texts as replicable material objects at the centre of its analysis. IE analysis begins with people's everyday/everynight embodied experiences, interactions, and discursive relations of ruling. However, rather than generalising from individuals' experiences, IE examines how individuals are organised by already generalised texts and discourses. Initially described as a sociology for women, IE has since been used by, and for, people of all genders.

The application of IE to the field of the criminal justice system has expanded over the last two decades. Following early IE work on homophobic policing of gay men and on domestic violence, the need for IE research and impact in this field has been clearly established.

This paper utilises a research study on domestic violence and institutional biases conducted in three countries as a case study to demonstrate how IE can be applied. The analysis highlights the gaps between victims' needs and institutional discourses and procedures and the practices of frontline workers. By recognising these 'disjunctures', IE provides empirically grounded suggestions for effective processual change. This paper also emphasises the methodological versatility of IE.

In conclusion, this paper demonstrates how IE aligns with a pluralistic sociological perspective that embraces anti-positivist, feminist, action-oriented qualitative research, and how IE can help scholars challenge dominant ruling discourses within the criminal justice system.

**Keywords:** institutional ethnography, gender, criminal justice system, social research methods, domestic violence.

## Introduction

This paper analyses and exemplifies, through a case study, the potential of Institutional Ethnography (IE) – a feminist research approach that examines how texts and language shape and organize social relations – to study and transform the criminal justice system.

IE was developed around three decades ago by the Canadian sociologist Dorothy Smith. Smith first began developing her feminist sociology of knowledge (Smith, 1990), and later its research practice, i.e., IE (Smith, 2005; Smith, 2006). She worked closely with students and colleagues across Canada and the United States, and as a result, most institutional ethnographers remain based in these regions, although over the past fifteen years interest in IE has been spreading internationally. IE focuses on how texts and language coordinate people's lives across different contexts (Griffith & Smith, 2014; Smith, 1987; Smith & Griffith, 2022; Smith & Turner, 2014). IE is not merely a method for studying institutions or conducting ethnographic research: rather, it represents a comprehensive ontological and methodological framework.

With IE, Smith (1987) aimed to create an “alternative sociology”, an approach distinct from prescriptive theories. Smith’s gaze focuses on people’s everyday/everynight embodied experiences, interactions, and discursive relations of ruling (Smith & Turner, 2014). She developed IE to analyse how individuals are organised by already generalised texts and discourses, instead of generalising from individuals’ experiences as other approaches do. Therefore, IE examines institutional forms of social organisation, positioning texts as replicable material objects at the centre of its analysis (Smith, 2005).

Smith (1987) initially introduced IE as a sociology for women, grounded in a critique of the systemic exclusion of women from academic spaces in North America. Over time, however, IE has been adopted by people of all genders and applied to analyse their specific situations of exclusion. This broader inclusivity was later acknowledged when Smith referred to it as a “sociology for people” (Smith, 2005). IE frequently centres on the lived experiences of marginalised groups to explore how inequalities—shaped by gender, race, and class—are embedded in everyday practices

and seemingly impartial bureaucratic systems. As such, this approach is particularly promising for the field of intersectional criminology (Stockdale & Addison, 2024).

I began engaging with IE ten years ago by attending seminars and workshops in the United States and Canada and by reading Smith's and colleagues' foundational contributions. This engagement informed the development of a research study examining the power of institutional texts and language in organizing single mothers' everyday lives. A different version of this study was later funded by the European Union's Horizon 2020 research and innovation programme under the Marie Skłodowska-Curie Actions and conducted in three countries (see, for instance, Tartari, 2022), focusing particularly on how the lives of single mothers and their children were organized by ruling texts and discourses after episodes of domestic violence. Materials from this study will be used in this paper to illustrate how IE can be applied and practised. The analysis highlights the gaps between victims' needs and institutional discourses and procedures (i.e., the textual organization of legal proceedings in criminal and civil courts), as well as the practices of frontline workers. By identifying these *disjunctions*, IE offers empirically grounded insights that can inform meaningful and effective processual change. This paper also demonstrates the methodological flexibility of IE, showing how diverse data collection methods – such as in-depth interviews, document analysis, and photovoice – can be integrated and analysed through a procedure inspired by the structured methodological approach proposed by Murray (2020).

By discussing the results through the classical and more recent literature on IE and some observations by Doll and Walby (2019), this paper demonstrates how IE aligns with a pluralistic sociological framework that embraces anti-positivist, feminist, and action-oriented qualitative methodologies. It also explores the potential of IE to support scholars in critically interrogating and challenging dominant ruling discourses within the criminal justice system.

This paper is structured into five sections: an initial literature review that also introduces key IE concepts for readers less familiar with the approach, a presentation of the research study and its methodological framework, a results section analysing a specific case in detail, a discussion section in which findings from this case are contextualised in relation to classical and more recent literature, and the conclusive section that outlines paper's limitations and suggests paths for future research.

## Literature review

This section offers an introduction to the literature on the IE approach, its intertwining with feminist studies, gender studies, and intersectionality, and an overview of its application in the field of socio-legal studies, criminology, and criminal justice studies.

As already mentioned, IE is a feminist research approach that developed mainly in North America and later in the Nordic countries and has recently seen a rising interest in different regions of the Global North and South (see for instance, Liang, 2015, Widerberg, 2017, Lund & Nilsen, 2019). IE is not an ethnography of institutions or merely a research method but rather offers both a conceptual understanding of the social world – explaining what exists and how it functions – and a methodological framework for conducting social research. Several fundamental publications have been added to the initial work of Smith (2005; 2006), including the collections edited by Griffith and Smith (2014), Smith and Turner (2014), and the handbook edited by Luken and Vaughan (2021), as well as many others that can be found in IE network sites like the IE Division of the Society for the Study of Social Problems and the IE UK and Ireland Network.

While developing IE, Smith was inspired by Karl Marx's materialism (Marx, 1976), Mikhail Bakhtin's thought about language (1981; 1986), George Herbert Mead's foundations of social interactionism (1962), and Harold Garfinkel's ethnomethodology (1967). At the same time, Smith maintained a strong engagement with feminist epistemology about knowledge production (Harding, 1988). Therefore, IE is, mainly, a combination of an innovative feminist-Marxian critique of the sociological tradition and insights from ethnomethodology.

Smith's approach highlights three key aspects: 1) the standpoint of women or people, 2) the social ontology, and 3) the role of texts. First, the *standpoint* of women or people is rooted in feminist standpoint theory, which urges researchers to begin their inquiries in the everyday lives of individuals rather than in abstract theory. This approach recognizes people as experts in their own experiences and emphasizes the need to confront the gendered and discriminatory nature of knowledge production in certain contexts and historical periods. Within the field of feminist studies, Smith developed her own reflection about the processes of objectification in research and the need to avoid the disappearance of the subject and its reconstruction through categories (Smith, 1999).

Second, the ontology of the social is what Smith (2005, p. 226) calls "a theory of being" that provides attention to specific *actualities* and avoids attributing agency to concepts, thereby avoiding the legitimization of theory-driven knowledge production that reproduces ideologies, institutional and societal orders, and, ultimately, inequity for the participants involved in research. This is Smith's theoretical approach to how institutions work through texts, through people's works,

and their translocally coordinated activities: the social is seen as *coordination*, not as *structure* or *system*, as in other theoretical approaches (see also McCoy, 2021). Third, the role of the materiality of texts in IE comes from Marxian materialism (Smith, 2005, pp. 13-15). Texts are central in Smith's approach because they are viewed as replicable material objects that carry messages across time and space and, therefore, play a powerful role in organizing people's activities around specific aspects, functions, or ideas in everyday life. They can be bureaucratic documents, forms, books, etc. Texts *rule* people's everyday life and can also be the material manifestation of institutions (Smith, 2005, p. 27-28). Smith defines these relations of ruling as "objectified forms of consciousness and organization, constituted externally to particular people and places, creating and relying on textually based realities" (Smith, 2005, p. 227).

Among IE's aims, one is to avoid the "capturing grip" of concepts and categories. This means that how gender is intended and explained by dominant discourses can be reframed through people's everyday experience. For instance, Magnussen (2020) provides an example of how the process of gendering through dominant concepts and gender categories can be made visible and resisted through empirical research guided by IE.

The specificity of IE complicates its relationships with concepts and theories, including those that belong to feminist studies. For instance, its relationship with intersectional analysis (see, for instance, Crenshaw, 1994) is controversial, as suggested by Campbell (2016). Analyses using intersectionality theory, like other forms of social research, inevitably grapple with the challenge of linking lived experience to its conceptual representation. IE's social ontology enables researchers to uncover how people's experiences are socially organized, providing a distinct contrast to the ways in which intersectionality and its associated methods explain difference. Moreover, IE foundational assumptions provide the basis for rejecting the commonly debated "micro/macro" divide that challenges many social researchers, including those engaged in intersectional analysis (see Campbell, 2016, p. 257). In addition, IE is not inherently oriented toward transformation or activism. Smith (1992) distinguished its explanatory focus from the "transformative" goals of Patricia Hill Collins' research (2000, pp. 95-96). However, besides these differences between the two approaches pointed out by Campbell (2016, pp. 257-258), subsequent contributions to IE show its transformative potential in terms of social change and policymaking (see, for instance, Ridzi, 2021), as shown also by research specific to the socio-legal and criminal justice fields.

Regarding the ontology advanced by Smith and its relationships with feminist and queer studies, Crawley, Whitlock, and Earles (2021) point out how Smith's work responds to the feminist, post-postmodernist imperative to articulate a renewed feminist ontology. Smith's approach eschews fixed analytic categories of identity, instead conceptualizing power relations and membership categorization as mutually constitutive practices emerging within social interaction. This offers

fertile ground for creating conceptual space for a multiplicity of queer, interpretive inquiries ranging from intersectional and transnational analyses to those grounded in embodied experience (Crawley et al., 2021, p. 146). Therefore, these authors propose grounding feminist and queer empiricism in Dorothy Smith's work – what they call “*Smithing* queer empiricism” (Crawley et al., 2021, p. 128).

Beyond the theoretical controversies which arise from the IE's rejection of predetermined categories, concepts, and theories as ideologies that can distort the accurate analysis of people's actualities, Dorothy Smith's approach holds a significant and distinct position within feminist studies. It functions as a feminist-informed methodology and a critique of dominant sociological practices, offering an invaluable tool for studying and transforming the criminal justice system, as Doll and Walby (2019) suggest.

The use of IE in research on the criminal justice system has grown significantly over the past two decades. The pioneering work of Pence (2001) and Pence and Smith (2004) on domestic violence deserves particular mention. Pence's initial study (2001) employs Smith's framework to analyse how the routine practices and procedures of criminal justice professionals – including police officers, probation officers, judges, and prosecutors – constrain the potential for court involvement to produce outcomes that prioritize victim safety. A pivotal element of these institutional processes is the mediating role of texts – such as documents and records – that regulate and structure the work practices of justice system professionals. These textual forms contribute to the standardization of procedures in ways that frequently obscure or marginalize women's embodied experiences of violence and fear, thereby displacing considerations of their safety from institutional priorities. Pence focused on explicating the work of practitioners in the police and court system that is not visible to advocates – workers from the battered women's movement involved in supporting victims – in the courtroom (Pence, 2001, p. 200). Thanks to this study, Pence proposed an approach that involved collaboration between criminal justice professionals and community advocates to critically examine local criminal justice practices and to identify how safety is compromised within the system, with the aim of reforming procedures that inadequately address the safety needs of women experiencing battering and resistance to such reform (Pence, 2001, p. 226 and ss.). Pence and Smith (2004) then developed the Safety and Accountability Audit for the U.S. Department of Justice, marking a crucial moment in the recognition of the value of IE for reforming the criminal justice sector.

A few years later, George W. Smith (2014) applied IE to examine how policing practices targeting the gay community were shaped through textually mediated social relations. George W. Smith pointed out how texts like the Criminal Code actively organize institutional responses by reinforcing, in specific cases, heteronormative assumptions and thus the marginalization of the LGBTQ+ community.

Beyond these exemplary contributions, which are often cited in Dorothy Smith's foundational works, additional empirical studies have demonstrated how research in socio-legal and criminal justice studies can benefit from the IE approach. For instance, Welsh and Rajah (2014) use IE to examine the work women perform while re-entering society from carceral settings; Marsden (2012) applies it to research on migration law; Cunliffe (2013) to understand the role of legal transcripts in court proceedings; Cunliffe and Cameron (2007) to study the use of sentencing circles in intimate violence cases in Aboriginal communities in Canada; Matulewicz (2015) to analyse how sexual harassment can be legitimized by the law itself in workplaces such as restaurants; Doll (2016, 2017) to research the social organization of legal aid in mental health; and Nicols (2018) to elucidates how youth residing in economically disadvantaged and racialized urban neighbourhoods in Toronto encounter constrained access to justice. Moreover, Walby (2005a; 2005b) and Walby and Anaïs (2015) use IE to study the socio-technical dynamics of camera surveillance and racialized profiling.

Through a review of these and other contributions, Walby and Doll (2019) point out that IE allows researchers not only to analyse the central role of texts in legal and criminal justice sector, but also to uncover where, when, and how problems emerge in those contexts and are legitimised or institutionalised in the everyday/everynight work. However, these authors argue that IE is still not widely utilized or integrated into legal and criminal justice research methods and remains insufficiently known or considered in criminal justice and socio-legal studies (Walby & Doll, 2019, p. 148). Yet, it offers valuable tools to explore *law as a practice*, to study *law in action*, to understand how people and texts interact in criminal justice and legal settings, and to explore the social organization of punishment, security, and treatment in the routine actions of professionals (Walby & Doll, 2019, p. 156).

This article aims to contribute to Walby and Doll's (2019) call to support and strengthen the application of IE as a suitable approach in socio-legal and criminal justice studies.

## This study

Framed by the IE approach, the study used in this article (Tartari 2021a; Tartari 2022) begins with the analysis of the participants' standpoints. In this first stage of the study, participants were single mothers who were often victims of different forms of domestic violence and had navigated judicial processes and practices in the legal and criminal justice system. Dorothy Smith calls "standpoint" the

*methodological starting point in the local particularities of bodily existence. Designed to establish a subject position from which to begin research – a site that is open to anyone – it furnishes an alternative starting point to the objectified subject of knowledge of social scientific discourse. From women's standpoint, we can make visible the extraordinary complex of the ruling relations, with its power to locate consciousness and set us up as subjects as if we were indeed disembodied* (Smith, 2005, p. 228).

Therefore, the first step of this research aimed to explore these women's everyday and everynight embodied experiences, interactions, and discursive relations of ruling (Smith & Turner, 2014) with the goal of understanding how their lives were organized by generalised texts (i.e., judicial texts such as laws, law enforcement regulations, practitioners' guidelines, etc.) and discourses (i.e., professionals' discourses about parenting, separation, and domestic violence). Participants' experiences were not subjected to generalisations; rather, they were used to understand how these texts and discourses organized their and their children's lives.

These women were involved in two rounds of dialogical in-depth interviews. The first interview aimed to collect their experiences of separation and post-separation period, focusing on the problems that they faced and their interactions with others involved (for example, relatives, practitioners, etc.). The second interview focused on the texts that organized their lives – such as court decisions, attorneys' requests, court-appointed experts' reports, social services reports, and any other document from the legal and criminal justice system that contributed to organizing their and their children's lives. They were asked to share these documents with the interviewer before the interview so that specific aspects of these texts could be discussed during the interview. Key texts, such as laws, were analysed by me before and after the interviews, with attention to the language that defines the individuals involved and the procedures of protection and prevention, while the post-texts (for example, court decisions, etc.) were analysed after the first and then the second interview.

In a subsequent stage of this research, these women were involved in photovoice sessions. They were asked to bring pictures and images related to their journey through the legal and criminal justice systems and to discuss them (see also Tartari, 2021b; 2022). This process allowed for drawing and discussing maps of their journey through texts and procedures.

Since IE considers texts as replicable material objects at the centre of its analysis (Smith, 2005), an analysis of texts – such as laws against domestic violence, those regulating child custody, and professional guidelines – was conducted by me before the first interview and after the second interview to better understand the legal framework organizing participants' experiences.

In a final stage of the research, professionals (i.e., lawyers, court-appointed experts, gender specialists, advocates from local women's shelters) were interviewed to explore discourses and

practices concerning specific aspects highlighted by the mothers. The professionals involved belonged to the same court district responsible for these mothers' cases.

The study was conducted in Belgium, Italy, and Spain. In total, 50 in-depth interviews were collected: 36 with single mothers (12 in each country) and 14 with professionals (5 in Belgium, 4 in Spain, 5 in Italy). The age of the interviewees ranged from 30 to 55. Fifty percent of the mothers interviewed identified with the working class and 50% with the middle class; 20-30% of the mothers were immigrants. Their children's ages ranged from 3 to 17, while the length of their marriages ranged from 3 to 20 years. About 70% of the mothers were victims of domestic violence, and only 40% had former partners who were sentenced. Recruitment was conducted by advertising the research project on social media and through local organizations such as schools, and then it continued through snowball sampling. Sampling criteria concerned the participants' request for sole custody in the civil lawsuit and social class (i.e., distribution across different classes). Often these participants had been stay-at-home mothers for several years and were forced to enter the job market after separating from their partners/husbands. At the time of the interview, they were facing post-traumatic issues related to domestic violence and stigma as single mothers.

The analysis of the interviews and other materials collected was conducted following indications provided by Campbell and McGregor (2002) and by Murray (2020). I found particularly helpful the three-step procedure developed by Murray, which allows focusing attention on (1) the analysis of one text or a small set of texts; (2) mapping across a textually mediated process; and (3) identifying a textually mediated discourse.

Therefore, the next section on results presents excerpts from the interviews, a map from the photovoice, and additional maps developed by me, thus providing an example of how institutional texts and discourses organize participants' lives in this specific criminal justice context. In addition, I make the analytical point of what Smith (2005, pp. 151-155) calls a "generous conception of work".

## Results

The case study presented in this section is drawn from the Italian fieldwork. It aims to show how IE can operate within a specific regulatory and legal framework, thus avoiding complex comparisons between different frameworks in the countries involved in this study.

All the women interviewed in Italy were victims of different forms of domestic violence, from physical to economic violence. In some cases, more than one form of violence was present in their experiences. During their journeys through the criminal justice and legal systems, many of these

interviewees were supported by workers from local organizations within the battered women's movement. While presenting this case and excerpts from the interviews, I will indicate which texts were involved, where and how they became *text-in-action*, what additional work was left to the women themselves, and what *disjunctions* their experiences reveal.

The case is that of Matilda (fictional name), a single mother of an 11-year-old boy. I interviewed her seven years after her report to the police, which initiated her journey through the criminal justice and legal systems. Matilda was a victim of IPV and economic violence. Her son witnessed the episodes of violence. These episodes of emotional, psychological, and physical violence began after the birth of their son. In addition, Matilda's husband did not support their family in any way: he lacked a stable job due to his attitude and lifestyle, did not look after their son, and did not contribute economically in any form. Matilda was the breadwinner – she paid for the bills and nursery fees and managed the household and all of her son's activities. She waited for five years before reporting the situation, until the day her son broke the silence. In the following excerpt, the different practitioners and workers Matilda met are indicated in **bold**; in SMALL CAPS the texts that organized her experience; and underlined are the parts of sentences that signpost her and her son's hidden work.

After my son told the preschool teacher that my husband beat me, I found the courage. I contacted the local organization for women protection, but they told me to contact the social service. I did. However, the social worker told me that she had her hands tied. The law did not allow her to intervene without a report to the Carabinieri (a police force). I went to the Carabinieri. They told me to go to the hospital because I needed evidence. I had bruises on my wrist caused by a blow he had given me. I went back to the Carabinieri where they told me that the only thing I could do was to file a report. I said them: "Look, I make the report, but what happens next?". The Carabiniere told me: "After the report, we will call him." And I replied: "I understand, but just so you know, I sleep with a knife under my pillow out of fear that he might harm me." So, I decided to not file the report. I went back to the social worker who advise me to go the Police instead of the Carabinieri, to a special section of the police. I went there, filed THE REPORT, they brought the report to the public prosecutor who filed A CONSTRAINT ORDER against my husband. They informed me of the moment in this would have happened, therefore I arranged that neither me nor my child were at home. However, some weeks had passed from the moment in which I filed the report to the moment of the NOTIFICATION to my husband of the constraint order. During those weeks I tried to conduct a normal life. Indications from the police were: "Madam, don't let him lay a hand on you, don't give him an excuse to lay a hand on you". However, his excuses were so false that I was genuinely risking my life every day and risking that the child would face the consequences. In the meantime, I approached a lawyer to start the CRIMINAL PROCEEDING. At the same time as the criminal proceeding, I initiated a DIVORCE CASE with fault, approaching a lawyer specialised in civil procedures. The criminal trial was concluded after a year and a half with a

SENTENCE of two years and one month, which is the minimum. The problem is that the CIVIL LAWSUIT is still ongoing, so I have been waiting for a SEPARATION DECREE for seven years. The process is still underway because three judges have succeeded one another, with each judge taking time for their decision. Initially, the president of the court set out some, shall we say, initial rules: he issued a TEMPORARY DECREE ordering maintenance for the child, three hundred euros a month, which has never been paid, because my husband managed to disappear and went abroad for years. Moreover, he left me with a lot of debts that I am still paying with my salary. The psychological abuse towards my son who had witnessed the violence was never acknowledged – and it was a female public prosecutor who did not deem it appropriate to include this offence, although there were witnesses and it was documented. My husband had also taken all my jewellery, the child's, and my relatives', but I had no way to prove it. Since the SENTENCE was minimal, it became A SUSPENDED SENTENCE. With the sentence, the restraining order also ceased – the lawyer explained to me that this happens automatically, meaning that if there is a conviction, the restraining orders fall away. So, I also risked finding him outside my home. So, it's not a nice thing. Because I lived for a while with the anguish of finding him outside my home before he went abroad. But even now, I still live with the anxiety that he might harm me. In fact, it should not be taken for granted that he will not harm me. The police did a sort of profiling of him to try to reassure me: "Madam, your husband loves himself so much that he wouldn't risk hurting you in this situation, because if he hurts you, he goes straight to jail. And going to jail is not his objective. He is an intelligent and manipulative man, and therefore jail is not his goal." The RESTRAINING ORDER was in effect for about a year and a half. After that, over the past five and a half years, I had to manage a bit on my own, in the sense that I made do. So far, it's gone well for me, but it could also have gone poorly.

During the second interview, she added:

Now, after seven years, the COURT DECISION about the separation and child maintenance has finally arrived. The decision has satisfied my expectations about my son's custody [sole custody] and maintenance. However, I know he will never pay the child support. I filed a CRIMINAL REPORT against him because he doesn't pay the child support, but it has been useless. In seven years, nothing has ever changed. He has even been reminded by the judge that paying the maintenance is his duty, but he always comes up with something to justify or to avoid scrutiny. [...] For any new motion to the judge, any new lawsuit, I need to pay for the lawyer. I am only an administrative employee. With my salary I maintain myself and my son, I pay for my husband's old debts, my husband has never contributed to the family maintenance, instead he has access to FREE LEGAL ASSISTANCE due to his ability and strategies to manipulate information about his finances. I have never asked for maintenance for myself because it would have been surreal in this situation. [...] After some years, I approached a third lawyer who is specialised in both legal and criminal proceedings. I thought that it would have been easier if the same practitioner leads everything.

To analyse the excerpt from the interview, we need to focus first on the text that organize Matilda's experience through the practitioners and workers she encountered. Some texts are more visible, such as court decisions (or decrees), while others are less visible, such as the guidelines that instruct teachers and headteachers to report alleged cases of violence to social services (line 1 of the excerpt). It is this "hidden" document that prompted Matilda to begin contacting social services and the police under the implicit threat – also not visible in this excerpt – that the preschool teacher might inform social services, which could have consequences for her in terms of parental responsibilities and her ability to obtain legal custody of her son.

Some texts mentioned are outputs (i.e., *post-texts*) of processes initiated by the interviewee through practitioners and workers. The words in italics reveal the hidden "work" carried out by the interviewee, who interpreted the texts and the interpretation of the texts offered by different practitioners and professionals, while simultaneously engaged in mothering, full-time employment, and managing her household – all while being a victim of violence.

At this point, classical IE studies use a process called *mapping*. Smith explains that "a map assembles different work knowledges, positioned differently, and should include, where relevant, an account of the texts coordinating work processes in institutional settings". Therefore, with this mapping procedure, we can address the first two categories of analysis outlined by Murray (2020): texts and work processes. These maps are complex documents that are difficult to reproduce in a single image on an A4 sheet of paper. Sometimes, they are drawn on large sheets or billboards, hung on walls, and discussed with the research team, participants, or stakeholders. Below is the first map drawn by the interviewee.

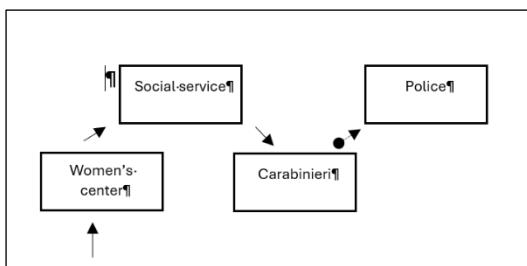


Figure 1. Interviewee's standpoint on "asking for help".

This first map, drawn by Matilda, allowed me to discuss with her certain aspects of the process and to elaborate a more complex map by integrating information from the interview. Below, the reader will find a map I drew after analysing the materials from the two interviews with Matilda. To simplify the visual representation (since there is not enough room in a journal page to include a full hand-drawn map), I have extracted only the section of the map concerning the interviewee's search for help and safety.

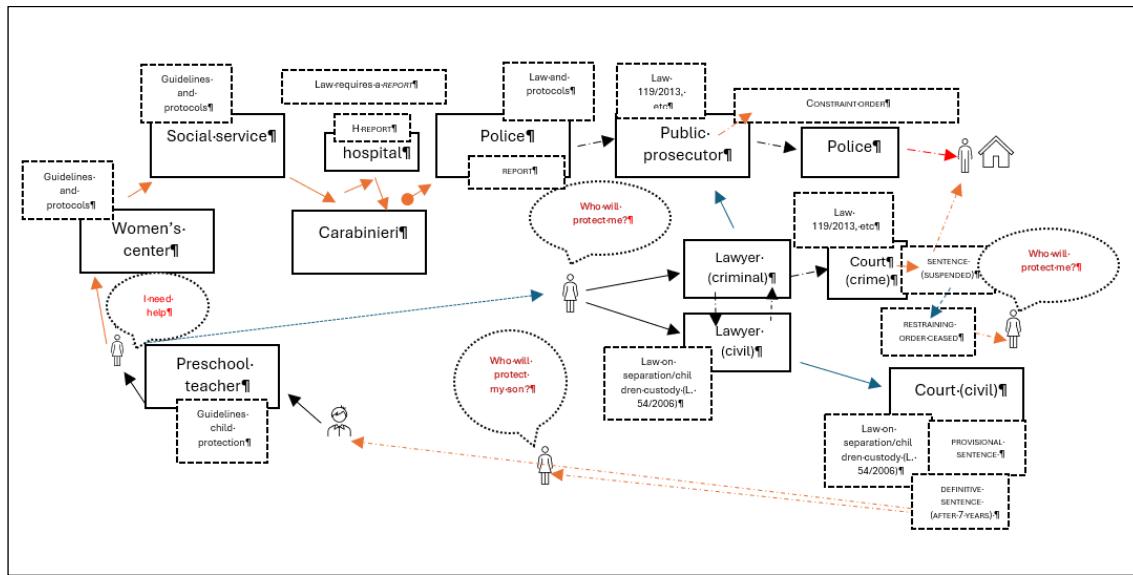


Figure 2. Researcher's first map.

At a third stage, after the interviews with practitioners and workers from the local organization for battered women, I returned to this map and added some details (see Figure 3).

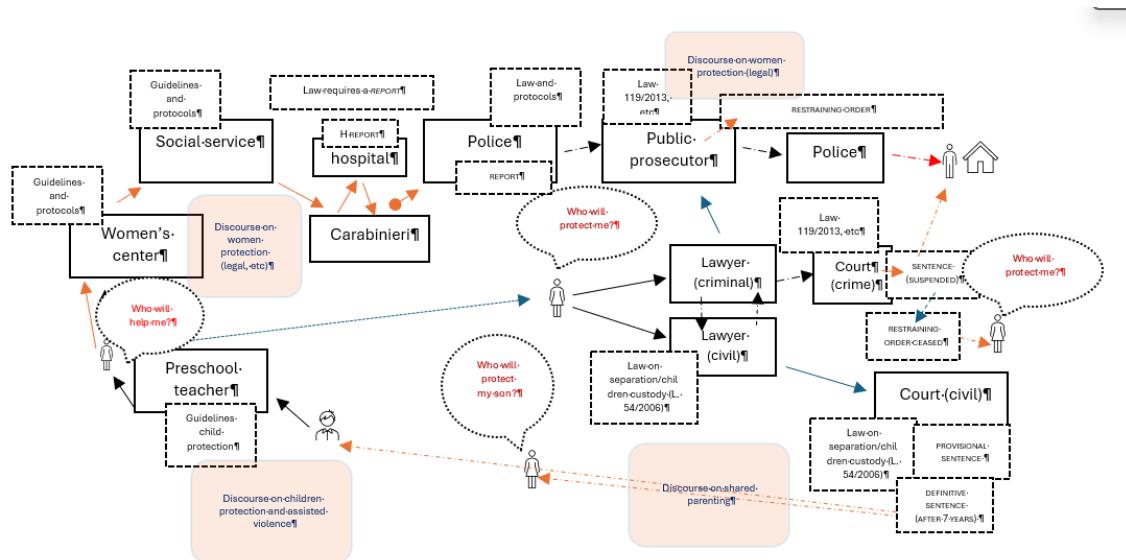


Figure 3. Researcher's second map.

This additional map allows the inclusion of the third aspect of the procedure highlighted by Murray (2020), regarding textually mediated discourse. To complete this map, the interview with

the gender specialist working at the local organization supporting women victims of violence was particularly important. The interviewee highlighted:

*While [in the last years] there has been a regulatory leap forward, there has not been a comparable response in terms of resources and expertise in part of the network of services to combat male violence against women, especially, from my point of view, in both the social services and the public prosecutors. These two are the weak links of this moment. These are discussions that we have been having at the [Centre for Women] for several years now, and clearly, women with minor children face additional challenges compared to single women or women with adult children, particularly in relation to the LAW ON SHARED PARENTING in Italy. The LEGISLATION ON VIOLENCE, both as Law 119/2013 and as a criminal approach, has not in any way amended or undermined the principle of shared parenting. So, we always find ourselves at these two levels: on one hand, the paths of protection, safety measures, reporting, and exit from violence for women and minor children, including all the work involved in defining assisted violence... on the other hand, a civil aspect regarding parenthood, which has not been updated or modified in the least with respect to the regulatory part on violence.*

Figure 3 visually represents the levels at which these different discourses occur. They affect legal and professional practices and generate a *disjuncture* between the real needs of women and children and the practices of protection. As explained by the gender specialist, the lack of resources, updated expertise, and procedures places women and children like Matilda and her son in dangerous situations. In the drawing, we can see the different points at which Matilda felt unsafe and where there was a lack of protection for her and her son. These critical moments occurred, in Matilda's experience, at the beginning of the process, when she had to move back and forth between different organizations to find appropriate support (from the women's centre to the police, through the social services, the Carabinieri the first time, the hospital, the Carabinieri a second time, before arriving at the police); again while waiting for a restraining order from the public prosecutor after filing the report; then when the restraining order was automatically removed after the sentence; and once more when the civil court ordered contact between father and child.

These visual maps make it possible to see – at least partially – the hidden “work” of Matilda in actively seeking help and protection. Less visible in these maps, however, is the everyday hidden work of organizing family life and ensuring personal safety before and after reports, sentences, and court decisions. In particular, in the initial phase, before the official report to the police, it appears that a lack of publicly available information on how to navigate such situations slowed down the process, required additional work from Matilda, and prolonged her and her son's exposure to violence.

In the next section, I will discuss the everyday/everynight aspects of Matilda's embodied experience in relation to the theoretical aspects of Smith's analysis.

## Discussion

This discussion focuses on some fundamental aspects highlighted by Smith's work and assumed as analytical points for this contribution: participants' standpoint, texts, discourse, work. The aim is to offer an example of the tools that IE provides to study law in action and to understand how victims, practitioners, workers, and texts interact in criminal justice and legal settings, following the invitation extended by Walby and Doll (2019).

My study – and thus my analysis of Matilda's case – begins with a focus on the participants' standpoint, acknowledging Smith's indication to recognise people as experts in their own lives. Participants in classical IE research are not merely "participants" involved in one phase of the research process; but they are experts on the situation and define what the "research problematic" is. The definition of "problematic" in IE therefore differs from the "research question(s)" used in other approaches. As Smith (2005, p. 227) explains:

*Institutional Ethnography begins with the actualities of people's lives with a focus on investigation that comes from how they participate in or are hooked up into institutional relations. A problematic sets out a project of research and discovery that organizes the direction of investigation from the standpoint of those whose experience is its starting point.*

From this point of view, my study employs a classical IE approach. I make this distinction because there are different perspectives on how to conduct an IE. For instance, some researchers take the problematic for granted because of previous informal conversations with people affected by a particular situation, or they prefer to start from texts and then explore people's experience with those texts. Nevertheless, starting from people's standpoint and considering it a fundamental part of the study allows the researcher to avoid the implicit biases that exist in knowledge production, which are shaped by ideology, categorization, and concepts related to particular social contexts or historical moments. Regarding the use of concepts, it should be clarified that IE allows their use in a way similar to Blumer's (1969) notion of "sensitizing concepts", which give the researcher general guidance for approaching empirical research (see also Van den Hooonaard, 1997). The "problematic" itself is a sensitizing concept.

Therefore, in my research, to define the problematic I needed to examine how Matilda participated in or was hooked up into institutional relations, paying attention to how she described her journey through institutions. From this analysis, several aspects emerged. The first concerns Matilda's relationships with texts and procedures. When she began her journey seeking help, she was completely unfamiliar with the procedures and texts regulating that journey. She spent a great deal of time in failed attempts to find help from individuals unable to provide proper support – encounters that occurred not over hours but over days and weeks. This reflects the fact that the institutions represented by those professionals had, in some way, failed to make clear how women in situations of domestic violence can begin that journey effectively and save time that might otherwise expose them to greater risk of violence. This indicates a *disjuncture* (Smith, 2005, pp. 11-13) between victims' real need for a rapid response and the general *discourse* about protection for battered women across the institutions involved; and this *disjuncture* is visible in different stages of Matilda's journey. It is therefore necessary to explain what Smith means by *discourse*.

Smith's (2005, pp. 17-18) use of the term *discourse* draws on Michel Foucault's (1970) use of the same concept. Discourse refers to those translocal relations that coordinate the practices of a group of individuals in a specific time and place (Smith, 2005, p. 224). People participate in that discourse and can reproduce or alter it. In Matilda's case, two main discourses can be identified. The first is the discourse about protection shared by members of the local organization that supports battered women; the second is a different discourse about protection that emerges from local courts and police forces. These discourses may share elements with other discourses operating translocally in different courts and police forces, may draw from orienting texts, and may influence practices and procedures. For instance, the discourse about protection within the local organization for battered women – shaped by professional knowledge of the dynamics between victims and offenders, since most workers and advisors at the centre are psychologists – implies that victims should be able to participate actively in their journeys (unless they have a mental disability) and should therefore comply with their responsibilities and choices as adults. This also allows workers to discern between false and genuine claims of victimization. Consequently, Matilda had to find her own way through the procedure to file a report against her husband, which involved considerable back-and-forth and a significant amount of time before locating the appropriate police section able to support her as she needed. Discourses of this sort tend to construct the victim in relation to a specific professional field and thus generate expectations about the victim's behaviour. They also tend to produce a representation of the victim that results from only a few minutes of interaction in an office and is then translated into a written text. For instance, in Matilda's account of her first interaction with the Carabinieri, it emerges how "the need for evidence" is functional to that professional discourse and procedure – it is part of the text-action sequence in which texts organize workers' practices – but, at the same time, by delaying the

process, the very requirement for evidence seems to neglect Matilda's real need for safety and protection.

The second aspect concerns Matilda's work, work knowledge and agency. Examining how she describes her journey from beginning to end – from her first contact to the court's final decision seven years later, it becomes evident that over this long period she accumulated extensive procedural and textual knowledge, becoming increasingly expert on the problematic and the expectations placed upon her. Her use of "I," the first person, in recounting several actions she initiated to place herself and her son in safer conditions, makes her acquired knowledge and expertise visible. Her central role as an active actor in seeking safety and protection for herself and her son is visible even when the police provide her with instructions. In the sentence "Madam, don't let him lay a hand on you, don't give him an excuse to lay a hand on you", the police explicitly place responsibility for her safety on her alone, implying that everything depends on her behaviour and compliance with procedural rules.

From a certain point of view, Matilda's transformation over the years into an expert on her own experience is also evident through her use of specific terms, behaviours and choices reflecting institutional discourses and expectations. An example of this is her choice to comply with all institutional requests. For instance, she appears highly compliant with the discourse on the child's best interests in shared parenting, as promoted by social services and the civil court: she accepts shared parenting even though she knows that it is impossible because of her husband's personality and that it exposes her son to a culture of violence and antisocial behaviour. This situation can be partially explained through the concept of "intentional institutional capture" (Eastwood, 2006). Although in this case the subject is a victim of domestic violence rather than a practitioner working within an institution, the concept applies similarly. *Institutional capture*, as described by Smith (2005, p. 225), occurs when both informant and researcher are so familiar with the institution they discuss that they become trapped in institutional ways of thinking and speaking, losing critical distance and contact with the informant's standpoint and direct experience. *Intentional institutional capture* occurs when practitioners are "constrained to translate their experience and interests into something that is recognizable to the organization" (Eastwood, 2006, p. 189). For Matilda, the situation is analogous: only by acting or speaking in particular ways can the organization recognise her as a victim or as a "good enough" mother.

This brings to light an important point: the amount of "work" – often invisible – that Matilda performs to secure protection and safety for herself and her son. As already mentioned, Smith (2005, p. 229) uses the term *work* in a generous sense: *work* is anything that takes people's time, effort and intent. It concerns the people's participation in institutional processes and their actions within institutional actualities. A similar concept was used to describe the invisible work of patients in classical interactionist studies (see, for instance, Strauss, 1985). The amount of work Matilda

undertakes throughout her journey through the justice system is significant yet largely unseen and unrecognised. Matilda soon develops *work knowledge* – that is, the knowledge and awareness she has of her “work” within those institutional actualities and of how her work is coordinated with that of others (Smith 2005, p. 229). This knowledge reflects her recognition of the need to develop intentionality, familiarity with institutions and practitioners, and compliance with their written and unwritten rules and discourses. An example is her decision to hire a lawyer expert in both criminal and civil law and procedures in order to reduce gaps between the differing interpretations of legal texts by separate lawyers - a situation that exposed her to additional costs and risks at different stages of her journey through the justice system.

Part of her work also involves interpreting texts – or re-interpreting the translation of texts offered by her lawyers or other workers – and understanding the text-action-text sequence as part of her work knowledge as client/victim. As Murray (2020) suggests, the degree of agency in text interpretation must be considered in such situations. Practitioners such as lawyers can propose different interpretation of an action or text, different strategies and procedures, and the best final decision often rests with the client. Therefore, Matilda develops work knowledge that orients her practical choices (for example, the type of lawyer to hire) and her linguistic choices according to context (for example, the words she uses when describing facts to different practitioners). Even though workers or practitioners may not expect a client to speak their professional language, the more a client adopts that language, the more readily they are understood. But this learning process requires time, efforts, intent: it is *work* – the same kind of work a patient does when describing symptoms while trying to use a language familiar to a doctor.

A final consideration concerns the texts that primarily framed Matilda’s experience when the interview was conducted, and which remained somewhat in the background of the text analysis in the Results section. As previously noted, IE analyses how individuals are organised by already generalised texts and discourses rather than generalising from individuals’ experiences (Smith, 2005, p. 166). This means that laws, professional guidelines, and similar texts can be considered “already generalised” texts, while documents such as court decisions, orders and other similar outputs can be viewed as post-texts – consequences of practitioners’ and workers’ reading and interpretation of the already generalised texts. These texts and their transformations during the lawsuit coordinated people’s actions throughout this case.

In this project’s context, two main laws organized Matilda’s experience: one criminal and one civil. Criminal Law n. 119/2013 represented an important advancement in combating and preventing gender-based violence in Italy and was improved only ten years later by Law n. 168/2023. However, as the interviewed gender specialist explained, the good intentions of the law were insufficient to ensure the implementation of a full set of new working practices and procedures, and a cultural shift in some operational contexts. Consequently, many women

interviewed for this project described experiences similar to Matilda's when approaching the Carabinieri to report domestic violence - and even worse experiences when seeking protection. At the same time, the definition of shared parenting provided by Civil Law n. 54/2006 (still in force) has often conflicted with the protection of women and children in domestic violence cases narrated by the interviewees, including Matilda's. Smith would describe this legal framework as the output of an ideological discourse on family and the child's best interests, operating at multiple levels of everyday life to shape institutional discourses, practices, and procedures. Other authors have described this as a patriarchal backlash (Bimbi, Trifiletti, 2006; Fleckinger, 2022). This framework therefore clashes with efforts to protect women in cases of domestic violence. These two laws, as texts, can be seen as *law-in-action* at different stages of Matilda's experience, as shown in Figure 3. However, within the complex of ruling relations (Smith, 2005, p. 227) established by these laws, Matilda appears as a disembodied subject. In the post-texts produced during her journey through the justice system (court decisions, orders, etc.), she becomes an individual who is textually constituted yet disembodied.

Smith is aware of the "work" of victims and offenders even when they are not institutionally considered "workers". She suggests that these processes of disembodiment and the denial of the subjects' work are not always negative, from either a textual or a non-textual point of view (see Smith, 2005, p. 173). These processes become harmful only when the *disjunctions* between people's needs – in this case, the need for protection – and the textual forms that should guarantee that protection become too evident and severe. This is the case for Matilda.

In the other countries involved in this project, participants described similar experiences and *disjunctions*, even though some procedural and legal aspects differed. For instance, the mainstream discourse about shared parenting and the child's best interests often ideologically frames laws that – with a 50/50 formula for child custody and tolerance for the culture of violence often perpetuated by fathers – silently legitimise a lack of protection for women victims of domestic violence and their children. In addition, financial constraints push justice-sector organizations toward procedures that favour standardised decisions rather than case-by-case evaluations and tailored court rulings. This shows that some processes occur both locally and translocally through extended chains of action mediated by text-based forms of knowledge and offers insights into the potential of IE for analysing translocal settings in multi-country studies (see McCoy, 2021b).

## Conclusions

This paper has analysed and exemplified the potential of IE through a case study. This feminist research approach can be applied to study and transform the criminal justice system through the examination of how texts and language shape and organize people's experience, creating ruling relations.

By studying *law in action* (Walby & Doll, 2019) starting from the participants' standpoint, *disjunctures* between people's needs and institutional practices, processes and discourses can become evident, and possibilities for change can be explored and suggested thanks to the versatility of IE in including different research tools.

Even though the transformative power of IE has long been questioned (see for instance Campbell 2016), it is evident that IE can produce materials that may be used for policymaking (see also Pence & Smith, 2004). In fact, in a later stage of this study, meetings with practitioners, workers and professionals – both within and outside the local organization for battered women – were organized to discuss the materials collected. In those situations, the lack of familiarity with IE as a research approach required additional explanations. A similar challenge occurred in preparing this article: trapped in a sort of institutional capture, I tried to anticipate criticism from readers unfamiliar with IE by providing extensive explanations of what IE is or is not. These additional explanations consume time and space, making the article less dense in terms of data but, hopefully, richer in theoretical reflections. This is perhaps one of the limitations that IE research studies often face while seeking to make themselves understandable to a broader, non-IE specialised audience.

There are, of course, other limitations. A key limitation of this study is the lack of a broader discussion with practitioners and workers about the research materials through their involvement in joint focus group, as was initially planned. This was due mainly to the impact of the COVID-19 pandemic on the project in 2020 and 2021.

Nonetheless, this article aims to contribute to what Walby and Doll (2019) identify as a necessary advancement for socio-legal and criminal justice studies, which have become a specific subfield of IE application. IE studies in this sector remain relatively scarce. Therefore, future paths for research could include, in general, IE investigations into law in action or the practice of law (Walby & Doll, p. 148), and, in particular, studies examining the procedural gaps that cause a lack of protection for women victims of domestic violence, as well as analyses of the different institutional discourses that frame the safety of women and children in such situations.

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