

## Critical Criminology / Representing Justice

A Joint National Conference of *Critical Perspectives: Criminology and Social Justice* (Carleton University / University of Ottawa)  
and the *Centre for Interdisciplinary Justice Research* (University of Winnipeg)

University of Ottawa  
Unceded and Unsurrendered Algonquin Territory / Ottawa, Ontario, Canada  
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## Criminologie critique / représentations de la justice

Une conférence conjointe de *Perspectives critiques : criminologie et justice sociale* (Carleton University / Université d'Ottawa)  
et le *Centre for Interdisciplinary Justice Research* (University of Winnipeg)

Université d'Ottawa  
Territoire Algonquin non cédé / Ottawa, Ontario, Canada  
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# ABSTRACTS

## Session A

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### POUR UNE HISTOIRE MILITANTE ET JUDICIAIRE DE LA PÉNALISATION / DÉPÉNALISATION DES « DÉVIANCES SEXUELLES » AU CANADA

FSS 4004  
Simultaneous translation /  
traduction simultanée

Chair / président : Jean Bérard, Université de Montréal

Au Canada comme dans de nombreux autres pays, les années 1950 à 1980 ont été marquées par l'essor de nombreux mouvements contestataires, aux causes et aux revendications diversifiées. Des mouvements ont développé des critiques des normes qui encadrent les rapports sociaux de sexe. Ces mobilisations, principalement féministes et gaies ont obtenu des résultats très importants, dont une large part porte sur des réformes des lois et pratiques pénales : la dépénalisation de l'homosexualité et la fin des discriminations légales concernant l'âge de la majorité sexuelle, la redéfinition des violences sexuelles, de l'obscénité et de la grossière indécence en font partie. L'histoire législative de ces transformations est connue, mais leur dimension militante et judiciaire est encore à construire, pour saisir ces mutations au plus près des acteurs qui les ont portés et des justiciables et victimes qui en ont expérimenté les conséquences. Comment ont émergé les mobilisations militantes ? Quelles pratiques de la justice et des institutions pénales ont-elles dénoncées ? Par quels débats et controverses ont-elles été traversées ? Comment ces mutations se sont traduites dans les pratiques judiciaires ?

Le panel aborde ces questions par trois études de cas au Canada, qui travaillent sur différentes infractions (viol, agression sexuelle, grossière indécence, sodomie, obscénité) en essayant d'articuler les apports des sources gouvernementales, militantes et judiciaires.

### **Les âges du consentement, Répression pénale, militantisme gai et sexualité des mineurs au Canada des années 1970 aux années 1980**

Jean Bérard, Université de Montréal

Nicolas Salée, Université de Montréal

Cette communication analyse la manière dont les mouvements gais militants des années 1970 ont amorcé une politisation de la question de la majorité sexuelle, préalable à une série de réformes entreprises dans les années 1980. Au Canada, la fixation des majorités sexuelles, liée au sexe et aux pratiques sexuelles, portait sur deux principes distincts qui étaient censés protéger l'entrée dans le mariage et la famille : la chasteté des jeunes filles contre des séductions trop précoces, et la moralité des jeunes garçons contre la « perversion » homosexuelle. Ainsi, le Code criminel de 1892 fixait à 14 ans un âge de la majorité sexuelle, alors réservé aux jeunes filles, et définissait – héritage du droit anglais – un crime de sodomie. Le bill Omnibus de 1969 a certes ouvert le droit à la sodomie, mais son article 158 les réservait « à un mari et sa femme », ainsi qu' « à deux personnes consentantes âgées de 21 ans ou plus ». En revenant sur l'histoire des mouvements gais canadiens, cette communication propose d'analyser la constitution, dans les années 1970, d'un espace politique de mise en discussion de la majorité sexuelle et de ses liens avec l'orientation sexuelle. Fondés en lien avec des mouvements politiques révolutionnaires, les mouvements gais se restructurent, au milieu des années 1970, autour de revendications plus ciblées, liées notamment à la discrimination légale dont les homosexuels sont victimes concernant l'âge de la majorité sexuelle. Dans les années 1980, les lois qui en résultent redéfinissent presque en même temps la majorité sexuelle et le viol, dessinant les contours législatifs d'un nouvel ordre sexuel.

### **« Couvrez ce sein que je ne saurais voir » : acteurs sociaux et demandes de modifications au code criminel en matière d'obscénité au Canada, 1950-1980**

Isabelle Perreault, Université d'Ottawa

Michèle Diotte, Université d'Ottawa

Les récents travaux universitaires sur l'obscénité au Canada (Craig, 2012 ; Jochelson et Kramar, 2011) portent principalement sur les décisions importantes rendues par les cours de justice du pays (Butler, 1992 ; Little Sisters, 2000 et 2007 ; Labaye, 2005). Ces études interrogent à la fois les modifications législatives, judiciaires et la doctrine sur ce sujet. Cette communication sera basée sur un autre type d'archives : la correspondance entre le bureau du ministre de la Justice et les citoyens-nes canadiens/nes à propos des articles du Code criminel du Canada et conservée aux archives nationales du Canada. Ce fonds contient ainsi la presque totalité des lettres envoyées à Ottawa à propos des articles du Code pénal sur l'obscénité (articles 163 à 168). Lavoie (1997) a étudié cette correspondance entre 1892 et 1927. Toutefois aucune étude ne porte sur ces archives au cours de la deuxième partie de 20e siècle. Nous proposons, dans le cadre de cette communication, de visiter cette correspondance et d'en analyser le contenu. Il s'agira de voir si les citoyens/nes ayant écrit au ministre de la Justice se situe davantage dans une approche répressive ou libérale en regard des publications jugées obscènes selon les standards établis par les juges du pays et ce entre 1950 et 1980. Nous procéderons en parallèle à une analyse comparative avec les décisions de la Cour suprême notamment Rees (1956), Brody, Dansky, Rubin (1962), Johnson (1975), Provincial News (1976) de même que la doctrine découlant du débat Hart/Devlin au cours de la même période.

## **L'implication des groupes féministes québécois dans la redéfinition et la lutte contre les violences sexuelles (1960-1983)**

Amélie Lamontagne, Université de Montréal

La communication a pour objectif de contribuer à la compréhension de la constitution des violences sexuelles comme un enjeu militant au Québec, dans les années 1970 et au début des années 1980. Au Québec, la lutte pour la reconnaissance des violences sexuelles comme un problème d'ordre social et politique et pour la réforme des lois portant sur les agressions sexuelles a été portée par le mouvement féministe de la seconde vague, né dans les années 1960 et 1970. Plusieurs recherches se sont penchées sur les conséquences des changements législatifs de 1983, avec la mise en place de la *Loi canadienne sur les agressions sexuelles*. En revanche, l'émergence des groupes de lutte ayant oeuvré dans le champ des violences sexuelles est toujours peu étudiée. Comment ces femmes se sont-elles organisées ? Sur quoi portaient leurs dénonciations ? Comment ont-elles structuré des travaux théoriques et des revendications ? Comment ont-elles organisé leurs actions ? Des traces des activités de cette période existent toujours notamment au sein des archives d'organismes de lutte, tels les premiers CALACS (*Centre d'aide et de lutte contre les agressions à caractère sexuel*) du Québec, dans les archives privées d'anciennes militantes. Dans le cadre de cette communication, nous proposons de faire une analyse des documents prélevés dans les CALACS de Montréal, Trois-Rivières et Sherbrooke. Les archives mobilisées comportent des articles de journaux, rapports, procèsverbaux de réunions, documents de formation, correspondances privées et photos. La communication se fondera également sur des entretiens avec des militantes, dans une perspective d'histoire orale

## **Normativité cognitive et consentement sexuel : un regard sur les discours juridiques canadiens**

Michèle Diotte, Université d'Ottawa

Le capacitisme cognitif, par sa présomption des esprits valides, participe à construire les personnes considérées «en situation de handicap cognitif» comme des individus vulnérables et avec peu d'agencéité. À l'instar d'autres systèmes de pouvoir, ces représentations de la différence produisent des jeux de privilèges et de pénalités en interaction avec le genre et influencent les logiques et les discours juridiques. En prenant appui sur quatre jugements rendus par la Cour du Québec et la Cour d'Appel de l'Ontario durant les années 2000 dans des causes impliquant des accusations d'agression sexuelle sur des personnes désignées «en situation de handicap cognitif», nous explorerons la construction juridique de la notion de consentement sexuel par les acteurs du système de justice canadien. Sachant que le consentement est la clé du dispositif juridique permettant de légitimer l'activité sexuelle, il importe de mettre en lumière les logiques juridiques en opération à l'intersection de la sexualité et du handicap cognitif lorsqu'il est question de «déterminer la licéité ou l'illicéité de ces comportements [rapports sexuels] chez ceux que le droit présume ne pas être en mesure d'exprimer un consentement valable». En ce sens, les notions de compétence et d'agencéité des personnes considérées «en situation de handicap cognitif», relativement à la sexualité, semblent être au cœur de l'analyse juridique du consentement sexuel.

## REPRESENTING JUSTICE I

FSS 4007

Chair: Steven Kohm, University of Winnipeg

### **Representing Social Justice through Human Rights: Some Reflection on Public Sociology Normativities**

José J. López, University of Ottawa

In recent years human rights discourses have become a central idiom of contemporary social understandings of social justice, in the latter's many manifestation. A number of social scientists have argued that activist social science scholars interested in combatting inequality and injustice would do well to take a normative turn towards human rights. Others have contrasted the abstract nature of human rights ideals, norms and principles to the reality of structured inequality, arguing that an understanding of the latter would contribute to making the former more socially efficacious in the pursuit of social justice and equity.

In this paper, however, I argue that one should see both of these developments with a certain degree of concern. This is not because human rights are useless or because they should be dismissed as an ideological ruse. Rather, the problem is with the manner in which human rights are being called upon to represent social justice tout court. Drawing on my fieldwork in the area of food activism, I argue that an understanding of human rights as series of social practices, rather than as ideals, norms or principles provides a better sense of human rights' potential and limits, and how they might be linked with other social justice practices to perhaps provide more socially efficacious representations of social justice.

### **Representing Justice in Criminal Justice and Criminology Journals**

Kevin Walby, University of Winnipeg

Steven Kohm, University of Winnipeg

This paper explores how justice research is evaluated, measured, and conveyed in the peer-reviewed social science journal industry. We examine issues of impact factor and journal prestige as measured using common citation indices. Engaging with literature on the history of impact factors and their proliferation across the social sciences, we compare impact factor, subscription cost, and other indicators of journal prestige for 36 criminology, criminal justice, and socio-legal studies journals. Our findings suggest an upward trend in emphasis on impact factor and a concurrent upward trend in cost of journal subscriptions, both of which we claim illustrate trends in the corporatization of journal production, publication, and management. We reflect on other consequences of publishing industry corporatization, including (1) the outsourcing of journal editing, typesetting, and proofing, (2) questionable techniques journal editors use to boost their journal's impact factor, as well as (3) the rise of so-called predatory journal publishers. Finally, we contrast the corporate journal publishing model with autonomous, independent journal production (e.g. *Annual Review of Interdisciplinary Justice Research* and the *Journal of Prisoners on Prisons*), raising questions about what it means to represent justice in journal publications.

### **Bearing Witness to Desistance: Collages and Stories of Trauma, Offending and Attempts at Change**

Sarah Anderson,

University of Glasgow

This paper presents emerging findings from an ongoing doctoral research project exploring the lived experience of moving – or trying to move – away from crime for men facing complex needs, with a particular focus on the role of trauma and its recovery. The project is situated within a clear moral and political perspective: that the voices and lived experience of people facing complex needs are marginalised in multifarious ways; not least through institutional and systemic responses to offending that isolate the offence from the life history, 'no platforming' of the person's story. Starting from the

position that bearing witness to lived experience is a fundamental task for practitioners and researchers in this field, the project used an unstructured life history approach alongside art workshops employing 'collage by inquiry' (Butler-Kisper, 2008) in order to 'bear witness' to the men's desistance narratives. This paper will present a number of these collages and stories and explore how they speak to and challenge current theories of desistance from crime. Taking a critical stance, it will explore the misrecognition of victimhood as offending and the role of the criminal justice system in continuing to construct behaviour as criminal, and in doing so, denying the very possibility of desistance.

***Bearing witness to desistance: collages and stories of trauma, offending and attempts at change (part 2: exhibition)***

Alongside the above paper, I propose to put on an exhibition of photographs of the participant-created collages emerging from the research project, each displayed with a short pen portrait of the participant who created the collage. Collage can engender a sensory, embodied response which enables meaning making through sparking new connections and ideas (Butler-Kisber, 2010). Adjacent to each photograph would be blank space in which those attending the exhibition could respond to the collages, facilitating a dialogue between audience members, the researcher and the participants, to whom I will feed back after the event. It is hoped that this will support new understandings of the lived experience of trying to move away from crime in the context of multiply excluded lives.

**Building the Foucaultian Case: Engagements and Representations of Social Discourse in Law**

Lauren Menzie, Carleton University

This paper is an exploration of law's responsive engagement to exteriority, and a nascent suggestion of means for novel legal analysis. By applying Foucaultian theory to the construction and analysis of case law, it aims to further the capacity for which Foucault could be used to understand law and provide theoretical insight for those who would undertake doctrinal legal analysis. The theoretical framework of this paper attempts to unify Foucaultian thought, reconstructing it alongside posthumous works with the aims of reaching a unified conception of Foucaultian law. In doing so, it views case law as a unit of law and, consequently, a fragment of governance. Broadly situated within governmentality literature, this paper traces and interrogates the various social, professional and institutional forms of knowledge and governance that could be engaged with in the course of judicial decision making. It exemplifies this method by using the Supreme Court case of *R. v. J.A.*, 2011 SCC and its predecessors *R. v. A.(J.)*, 2008 ONCJ 195 and *R. v. J.A.*, 2010 ONCA 226 to track law's engagement and (re)construction of nonconsensual sexual interaction while focusing on the ancillary bodies used to (re)produce meaning.

**THE EXTRADITION OF AN INNOCENT CANADIAN: HASSAN DIAB**

LMX 390

**Documentary viewing and panel discussion and Q&A session with:**

Peter Gose, Carleton University

Bill Skidmore, Carleton University

Maeve McMahon, Carleton University

Rania Tfaily, Carleton University

## **IMPRISONMENT & RE-ENTRY**

**FSS 2001**

Chair: Justin Piché, University of Ottawa

### **'It's your job to save me': The Union of Canadian Correctional Officers and the Death of Ashley Smith**

Gillian Balfour, Trent University

The death of Ashley Smith's death represents the first time in Canadian legal history that correctional officers were criminally charged in the death of a prisoner under the care of the state. In response to these unprecedented charges, the Union of Canadian Correctional Officers (UCCO) mounted a highly public campaign in defence of the officers. In this article, I review UCCO's media statements following Ashley's death, submissions to various government review committees, and the current Global Agreement between UCCO and CSC, regarding federally sentenced women. I suggest these texts work to re-entrench the 'unmanageable dangerous girl' as a threat to public safety through a discourse of workers' rights. These texts disembodiment and reframe Ashley Smith's suffering as an unsafe working condition that exposed officers to physical and psychological distress and obfuscate Ashley's rights as a prisoner. Finally, I suggest a re-reading of the narratives of distress for those who have lived, died, and worked in administrative segregation, as an abolitionist moment that points to the failure of reform and the need to abandon the prison.

### **Marks You Cannot Erase: Impacts of False Positive Drug Scans on Prisoners' Families**

Kaitlin MacKenzie, Carleton University

The collateral consequences of incarceration faced by the families of prisoners can be life altering and traumatic, yet they go largely unnoticed in criminological literature and among the general population. The ion scanner is used by the Correctional Service of Canada (CSC) on prisoners, visitors, and staff in federal institutions across Canada. The alleged purpose of the ion scanner is to keep prohibited substances out of prisons. However, anecdotal evidence has revealed that there is an alarming rate of false positive 'hits' when individuals are being subject to this type of search, particularly among visitors of prisoners. CSC has admitted that the ion scanner detects trace amounts of drugs, down to the nanogram, which can result in false positives (CSC, 2011). These false positives can negatively impact the lives of prisoners and their loved ones upon visitation. By conducting ten semi-structured interviews with individuals who have a loved one behind bars and who have experienced a false positive 'hit', this research seeks to understand the consequences associated with this drug-detection technology. This might include: stigmatic interactions with correctional staff, gruelling preparations for visits, suspension or cancellation of visitation rights, and delayed parole for prisoners. The findings are situated within the small existing literature on the collateral consequences of incarceration in Canada, as well as wider literatures on risk and the risk society.

### **Motivation, Engagement, Accountability and Clinical Diagnosis: How Assessment Scoring during Incarceration affects Reentry Conditions and Constraints**

Rosemary Ricciardelli, Memorial University

The conditional release experiences of and conditions imposed on federal releasees are largely shaped by their scores on assessments when federally incarcerated. However, knowledge of scoring disparities and their impact on prisoners at reentry represents a lacuna in correctional scholarship and literature. In response, I conducted a preliminary analyses of the files of federal releases to unpack qualitatively the nuances of how their scores are constituted on the variables of motivation to desist from crime, engagement in their correctional plan, accountability for past actions, and having a clinical diagnosis. Next I reflect on prior quantitative analyses of how these variables impact disparities in the mandated frequency of meetings with parole officers and number of parole conditions, to explore how explicit

factors shape sentencing nuances at reentry. Overall, findings suggest that motivation correlates with frequency of meetings with the parole officers, but prisoner behaviours are given less weight than their words during assessments.

## Session B

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### LES PROCHES DES PERSONNES INCARCÉRÉES/ FAMILIES AFFECTED BY INCARCERATION

FSS 4004

Simultaneous translation /  
traduction simultanée

Chair / présidente : Sandra Lehalle, Université d'Ottawa

Ce panel bilingue propose d'ancrer la compréhension et l'analyse critique renouvelée de l'incarcération et ses réalités à partir des expériences de l'entourage des personnes incarcérées. Les 4 présentations contribueront ainsi à questionner les frontières physiques et sociales des institutions d'enfermement par l'analyse de la « peine » que l'incarcération inflige aux proches de détenus ainsi que par les enseignements qui en découlent sur le processus de recherche critique, sur l'institution carcérale en tant que telle mais aussi sur les rapports sociaux au sens large.

#### **Au parloir ; expériences du dedans et expériences du dehors**

Gwenola Ricordeau, Université Lille 1

Si les travaux, notamment de type ethnographique, sont nombreux sur la détention, l'espace des parloirs se dérobe généralement au regard du chercheur : réaliser des observations là où l'intimité des détenus et de leurs proches est déjà sous contrôle pose des problèmes techniques autant que déontologiques. C'est néanmoins cet espace qui constitue l'objet de ma communication. À partir d'une observation participante (mon expérience du parloir, pendant plusieurs années, en France) et d'entretiens réalisés avec des personnes incarcérées et des proches de détenus, je propose une lecture des parloirs sous l'angle de la confrontation au dehors (pour les détenus) et au dedans (pour les visiteurs).

Par ses règles et ses usages, le parloir, au-delà de l'espace qu'il constitue, à mi-chemin entre dehors et dedans, au sein de l'institution carcérale, se traduit par une expérience, pour les détenus et leurs visiteurs, de la liberté et de l'enfermement. Le parloir tranche avec l'espace de la détention : par exemple, il permet aux détenus l'usage d'objets dont ils sont ordinairement privés et il constitue un lieu de mixité dans une institution qui ne l'est gère. À l'inverse, le parloir expose les visiteurs à certains aspects de la vie carcérale, à travers le franchissement des portes et la confrontation à l'architecture carcérale, mais aussi la position de sujétion induite par l'obéissance due aux ordres des personnels de surveillance.

#### **“And what about the families?”: Challenging Stigma in Popular and Political Discourse on Families Affected by Incarceration**

Stacey Hannem, Wilfrid Laurier University

This paper examines recent attempts by grassroots organizations to shed light on the collateral consequences of the criminal justice system for families of offenders, and to challenge the legitimacy of these collateral damages in the 'war on crime'. In attempting to position families of offenders as victims of the system, advocates encounter stigmatizing assumptions; social and political discourses which mark these families as marginal create barriers to challenging policies that have detrimental effects for families. A common response is to emphasise the role of families in crime reduction and to couch services for families and children as reducing the likelihood of intergenerational crime. I examine the dilemmas of engaging cost-benefit economic analyses and employing neo-liberal rhetoric of risk



reduction to challenge policies which do harm to families. Challenging stigma and shifting conversations about collateral consequences requires a discourse of inclusivity, rather than the exclusionary language of dominant crime-reduction ideologies.

### **What Is Next in the Study of Children of Incarcerated Parents: Where Do Researchers and Practitioners Go From Here?**

Megan Sullivan, Boston University

We know too little about children of incarcerated parents, and what we do know suggests children will endure a host of problems. This paper reviews the current research and suggests that many children may not fare as poorly as we have long believed. The paper suggests what this means for organizations, families, scholars and others.

### **Le statut d'«insider» dans la recherche qualitative auprès des proches de personnes incarcérées : Dilemmes et réflexions d'ordre méthodologique**

Mélissa Beaulieu, Université d'Ottawa

Cette communication s'attardera principalement à la présentation des enjeux éthiques et des défis inhérents à la recherche qualitative auprès des proches de personnes incarcérées où l'entretien semi-directif a été préconisé comme méthode de collecte de données.

Le vécu personnel du chercheur en lien avec l'expérience qu'il étudie influence indubitablement son positionnement vis-à-vis l'objet de la recherche (Corbin et Buckle, 2009). Son identité et ses propres représentations du phénomène étudié sont des facteurs susceptibles d'influencer l'orientation de ses questionnements, l'analyse des données amassées, sa compréhension de la problématique, mais également son attitude à l'égard des répondants lors du déroulement des entretiens. De toute évidence, l'importance d'amorcer certaines réflexions d'ordre méthodologique en lien avec l'étude s'impose d'elle-même.

Est-il possible et souhaitable de maintenir l'objectivité lors de la production de savoirs scientifiques? Comment le chercheur doit-il adresser les risques d'interpréter les résultats de l'étude à partir de son propre cadre de références? En tant que chercheur, quelle est l'importance de prendre conscience de notre positionnement et de nos biais liés à l'objet de l'étude?

### **REPRESENTING JUSTICE II: Representing Justice in Canadian Crime Films**

**FSS 4007**

Chair: Diana Young, Carleton University

### **Cultural constructions of crime, class, and the city in Canadian crime film**

Sonia Bookman, University of Manitoba

This paper will examine how cinematic representations of crime and criminal activity are bound up with, and co-construct particular notions of place. It analyzes in-depth a specific film, *Zeyda and the Hitman* (2004), focusing on the modalities by which crime is placed in traditional working class spaces of the city of Winnipeg. These spaces, including former factories, warehouses, and 'greasy' diners, feature in scenes where criminal activity (scheming, spying), and discourse (reminiscing, story-telling) take place and are visually prominent elements of the film. Many of the working class spaces featured in the film are, moreover, recognizable, iconic places within the city of Winnipeg.

Not simply backdrops to the crime story that unfolds, the paper will illustrate how such working class spaces are implicated in character and plot developments, representations of crime and criminality, and the co-construction of place-myths that define the city. Overall, entanglements of crime, place, and class in this film suggest an image of the city of Winnipeg as a city that is divided between an 'authentic' working class past and a postindustrial, 'superficial' middle class present. There is a sense of loss of 'real'

community, culture, and urban life that valorizes a previous patriarchal, industrial era. Yet, at the same time, Winnipeg is conveyed as a city that is being reconfigured from the inside out, just as the main characters in the film (who are retired, elderly men) realize personal development and growth. It is a city that is rooted, yet in flux.

### **An Unsuitable Job for a Woman? Canadian Crime Films and the Absent Female Detective**

Andrea Braithwaite, University of Ontario Institute of Technology

Canada's pop culture landscape boasts many female investigators. From Gail Bowen's series of novels about professor/sleuth Joanne Kilbourn to the cast members of Global TV's *Rookie Blue*, Canadian women frequently find, fight, and solve crimes. Yet somehow such detectives are missing from Canadian film. Canadian crime films are marked by a dearth of female investigators, and this lack of representation has significant implications for what crime and justice mean in Canadian media culture. In "An unsuitable job for a woman?" I consider recent Canadian mass market crime films to see what sorts of roles women play when they cannot take on the mantle of detective. Examining films like *Foolproof* (2003), *Bon Cop, Bad Cop* (2006), *Gunless* (2010), and *No Clue* (2013), I ask what we are left with when women are not represented as agents of justice in Canadian film. When female characters are limited to – and defined as – victims, what acts are carried out in their name? What do crime and justice look like when women are not acting as their own advocates? These formulaic genre films, which aim for wide audience appeal, script vengeance – though not necessarily violence – as justice. The absence of filmic female detectives is also an absence of voices in our ongoing conversations about what counts as crime, and as solutions, in the contemporary Canadian context.

### **Supernatural Justice in Two Canadian Fairy-Tale Films: *Le piège d'Issoudun*, *The Moth Diaries*, and "The Juniper Tree"**

Pauline Greenhill, University of Winnipeg

Maria Tatar calls "The Juniper Tree" "probably the most shocking of all fairy tales," singling it out despite the Grimms' stories' "murder, mutilation, cannibalism, infanticide, and incest." In this traditional narrative, a little boy is killed by his stepmother who makes him into a stew which she serves to his unwitting father. The boy's stepsister buries his bones beneath a juniper tree. A magical bird appears who sings about what happened--"My mother slew me, my father ate me...." He brings the sister red shoes and the father a gold chain, and drops a millstone on the stepmother. The bird transforms into the boy and reunites with his father and stepsister.

Perhaps surprisingly, women directors seem drawn to this fairy tale, including two very different movies by Canadians, Micheline Lanctôt's *Le piège d'Issoudun* (2003) and Mary Harron's *The Moth Diaries* (2011). Lanctôt's *Issoudun* addresses the inchoate desperation of an early 21st century privileged woman. Metafictionally, it juxtaposes a stylised theatrical performance based on a Brothers Grimm version of "The Juniper Tree" with a social realist/neorealist evocation of the same narrative set in suburban Quebec. Harron's *Moth* supernatural horror film concerns the relationships between troubled teenagers at an exclusive boarding school. In one scene a character sings the bird/son's song. I focus on one decisive scene in each film, and explore how these passages encapsulate supernatural justice as a crucial problematic for the characters involved.

### **Representing Justice in Indigenous Canadian Crime Films**

Steven Kohm, University of Winnipeg

Taylor Richtik, University of Alberta

Using Nicole Rafter's (2007) popular criminology framework, this paper analyzes fictional Canadian crime films that represent Indigenous Peoples in Canada and their struggles for justice. Heeding Rafter's

call to take crime films seriously as sources of popular knowledge about crime and its consequences in society, we explore five Canadian films that represent Indigenous Peoples, crime, and justice in historical and contemporary Canadian society. Using qualitative content analysis we explore the way Indigenous crime films take up differing standpoints on justice. Like crime films more generally, Indigenous Canadian crime films pose questions about the nature and possibilities of justice. These films do so by juxtaposing traditional Indigenous and western models of justice and by critically interrogating vengeance/vengeance as a potential response to crime and victimization. Models of justice and vengeance are developed across four prominent themes that characterize Indigenous Canadian crime films: 1) relations between Indigenous communities and police both historically and in contemporary time periods; 2) the crisis of missing and murdered Indigenous women and girls in urban settings, 3) the experience and legacy of residential schools in Canada and 4) Indigenous spirituality and ways of knowing. We argue that Indigenous Canadian crime films replicate many of the plots, themes and characters of crime films more generally, but also diverge in important ways that can shed new light on issues of justice for Indigenous Peoples in Canada while extending the reach of academic criminology into Canadian popular culture.

***This session will also feature a launch of the book “Screening Justice: Canadian Crime Films, Culture and Society” edited by Steven Kohm, Sonia Bookman and Pauline Greenhill published by Fernwood in 2016.***

## **SEXUAL VIOLENCE**

**LMX 390**

Chair: Emily van der Meulen, Ryerson University

### **Understanding University Rape Culture through Narrative and Complexity**

Diane Crocker, St.-Mary’s University

This presentation will describe how complexity theory can help us better understand sexual violence and rape culture on university campuses. I will also describe preliminary findings from a research project that applied this framework.

I will begin the presentation by introducing complexity theory and its applicability to campus sexual violence and rape culture. I will then discuss a research project being completed at my university. I have interviewed and surveyed undergraduate students about their experiences using tools specifically developed to capture and analyze large amount of narrative data in complex contexts (Snowden 2011). These descriptions provide a route into culture and the participants’ “tacit knowledge” about an issue (Goh, 2011).

I will present preliminary findings from the research that reveal the not well understood system of gender relations on campuses that underpin rape culture.

### **Policy as Justice: How can University Level Sexual Violence Policies Contribute to Justice?**

Amanda Nelund,  
MacEwan University

The past several years have seen Canadian post-secondary institutions respond to public and student pressure to change the way they deal with sexual violence in campus communities. The most common way in which they have done so, indeed they way some provinces have demanded, is to enact new policy. While university level stand-alone sexual violence policies may not have been created intentionally as alternative justice they do function, particularly when survivors utilize the policy and procedure in lieu of criminal law, as an alternative justice form. University policy is now a real and

unstudied alternative justice process for sexual assault. This paper examines what policy, as a form, can contribute as a justice response. What practical and symbolic moves can policy offer?

### **“How many people threaten to rape Obama?”: (En)gendering Threats Against Feminists in Online Spaces**

Olga Marques, University of Ontario Institute of Technology

'How many people threaten to rape Obama?': (En)gendering Threats Against Feminists in Online Spaces  
The past several years has seen the widespread media coverage of the graphic threats of sexual violence that women, particularly feminist women, have received online. Analyzing reader comments made on an op-ed detailing the abuses faced by feminist writers online, this presentation: (a) explores reader reactions towards the 'calling out' of this behaviour, and (b) maps the manner through which comments reveal, sustain, and/or conceal the implicitly gendered natures of these threats.

### **The Nature and Extent of Gender-based violence among Syrian refugees in the Kurdistan Region of Iraq**

Fatema Abdi, University of Ottawa

Gender-based violence is considered to be one of the most prevalent problems around the world that often goes unreported. When this phenomenon is accompanied by armed conflict and displacement, the women and children affected by it are further traumatized. Gender-based violence is a violation of human rights and not only does this kind of violence perpetuates the stereotyping of gender roles, but it also denies human dignity and stymies human development. The internal armed conflict in Syria has forced more than 1.5 million people to seek refuge in neighboring countries since March 2011. As of May 2015, the Kurdistan region of Iraq hosts more than 240,000 Syrian refugees, of whom more than 22 percent are women. This study was aimed at identifying and examining the situation of gender-based violence among Syrian refugee women who have been displaced to the city Erbil, Iraq in May 2015. The methodology for this paper was quantitative and the study itself is descriptive in nature. Survey data was collected from 130 participants and the data was analyzed quantitatively. The purpose of the study was to understand the nature and extent of gender-based violence for this group of refugee women and from there develop guidelines to prevent future violence. The results have indicated that not only did many of these Syrian women refugees experience verbal violence in their own intimate relationships, but they were subjected to sexual harassment by host community members.

## **CONTEMPORARY CRIMINOLOGICAL ISSUES I**

**FSS 2001**

Chair: Dale Spencer, Carleton University

### **Leaving Our Most Vulnerable at Risk: A Study of Multiple Victimization in Canada**

Jennifer Olenewa,  
Wilfrid Laurier University

Individuals who experience a crime are at the greatest risk of a subsequent victimization. The research in crime rates shows decreasing rates overall, so a small group of victims face risks from crime that are disproportionate to other victims. Using a mixed methods approach, this paper explores the factors that contribute to multiple victimization. This study uses data from the *General Social Survey – Victimization* (2004-2014) to examine the relationship between rates of criminal victimization, perceived risk, and victims' reported level of need. In addition, the study includes data from semi-structured interviews with victim service support workers that explores the understanding of how victim services provide support to victims of multiple victimization. The results from both data sets demonstrate that individuals who identify as members of the most marginalized groups in society are at the greatest risk of multiple

victimization. This paper concludes with recommendations for an intersectional, multi-disciplinary approach to meet the needs of victims of crime.

### **The Online Culture of Cyberbullying**

Molly-Gloria Harper,  
University of Windsor

Youth culture today is based on the number of 'likes', 'shares', 'retweets', and 'followers' a person has on various social media sites. Reliance on technological devices, Internet connections, and a cyber presence has produced a generation where traditional face-to-face bullying has become more complex. Using the theoretical framework of cultural criminology, this paper illustrates the cultural construction of cyberbullying as a phenomenon, which emerged from the broader youth culture's reliance on 'being connected', and designs the subcultures within as working in a cyclical fashion with one another to define and understand cyberbullying. Subcultures are characteristics of the entire umbrella of cyberbullying and include the subculture of the cyberbully, the cyber victim, and the cyber bystander. Through qualitative methodologies, this study aims to examine the portrayal of cyberbullying in the media by analyzing and comparing both media constructions and representations of cyberbullying in popular culture films as compared to the way the media depicts real cases of cyberbullying that capture the Canadian public's attention. Cyberbullying is becoming problematic in present day society due to the way it is impacting the lives of youth. This study is providing the basis for a new way of understanding such a phenomenon and it's to potential impact on the way individuals think and react to cyberbullying.

### **"It's just a difficult issue to try to define": Stakeholder and Legislative Definitions of Cyberbullying in Canada**

Ryan Broll, University of Guelph

Many youth experience cyberbullying and, although it is rare, some youth who are cyberbullied commit suicide. Such incidents often receive considerable media coverage, and some cyberbullying-related suicides have captured lawmakers' attention and have contributed to the rapid criminalization of cyberbullying in Canada and elsewhere. However, cases with objectively disparate facts have been publicly labeled cyberbullying and researchers have yet to agree on an accepted definition of the problem. The purpose of this paper is to contrast definitions of cyberbullying offered by a sample of 34 relevant stakeholders (parents, educators, and police officers) with definitions contained within recently enacted criminal legislation in Canada. The results demonstrate that conceptualizations of cyberbullying contained in legislation share some similarities with definitions proposed by other state actors (educators and police officers), but bear little resemblance to definitions proposed by the parents of children involved in cyberbullying. The implications of these findings for responding to cyberbullying through criminal justice policy are discussed.

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## Session C

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### PENAL POLICIES AND PUNITIVENESS

FSS 4004

Simultaneous translation /  
traduction simultanée

Chair / présidente: Maritza Felices-Luna, Université d'Ottawa

#### **Décriées : le cas de la détention présentencielle**

Marion Vacheret, Université de Montréal

Notre présentation vise à proposer une réflexion sur les logiques sous-jacentes du système de droit criminel canadien à travers l'analyse des discours entourant le recours à la détention présentencielle. Considérée par les différents acteurs du milieu comme une mesure efficace par son effet d'accélération sur le processus judiciaire; elle est également perçue comme relativement efficace – elle paraît en effet aux yeux de plusieurs permettre une bonne gouvernance de la justice par son pouvoir d'anticipation non seulement des comportements mais aussi de la sanction probable qui sera imposée à l'accusé. Sachant que plus d'un détenu sur deux incarcéré dans une prison provinciale est en attente de jugement, et nous appuyant sur ces représentations, nous souhaitons ainsi approfondir les discours de légitimation de l'exercice d'un pouvoir judiciaire arbitraire et réfléchir au modèle de justice qui en découle.

#### **In the Shadows of the Punitive State: Management and Control of Uncertainty Pre-trial**

Nicole Marie Myers, Simon Fraser University

The state employs a variety of preventive techniques that have extended its authority and jurisdiction to monitor and control the potentially risky subject. This paper uses the bail process in Canada to explore the punitive mechanisms employed at the pre-conviction stage. Through the use of pre-trial detention and conditions of release in the community the state is expanding its punitive reach by encroaching on pretrial liberty and punishing accused prior to a finding of guilt. While pre-trial processes are coercive and may be punitive, they are not conceptualized as punishment. As a result, the bail process blurs the boundaries between those who are to be presumed innocent and those who have been found guilty and are therefore punishable.

#### **Theorizing the Role of Physical Harm in Punishment: Experiences at the Ottawa-Carleton Detention Centre**

Laura McKendy, Carleton University

Responding to the empirical and theoretical neglect of jails within penal scholarship, my research explores the experience of jail detention in Ottawa, Ontario. I conducted narrative interviews with men and women who were imprisoned at the Ottawa-Carleton Detention Centre to explore their perceptions and understandings of incarceration. To capture the actual nature and effects of punishment, it is useful to employ a subjective understanding of punishment, which focuses on “that which is experienced as punishment and perceived to be imparted by the criminal justice system or its actors, regardless of whether it is intended as punishment and/or is approved or acknowledged by the penal system” (Sexton 2015: 118). In the study at hand, a subjective understanding of punishment challenges key claims by scholars of punishment who emphasize the transition from the body to the mind as the target of punishment. Notwithstanding formal discourses surrounding the use of incarceration, which emphasize

the mind as the site of intervention, subjective accounts of punishment suggest that physical harm remains a fundamental component of incarceration. Harms such as violence, chronic hunger, the contraction of disease, and denied medical care appear unrelated to official policy measures or punishment discourses, yet are salient in prisoners' accounts, illuminating the need to discern between the realms of penal policy and practice.

### REPRESENTING JUSTICE III

FSS 4007

Chair: Baljit Nagra, University of Ottawa

#### **“Unless he’s armed and dangerous”: Legitimacy and Public Safety Discourses in Police Media Engagement Strategies for Gender-based Violence**

Bailey Gerrits, Queen’s University

Public safety, a nebulous term, is often at the centre of the rationale behind police engagement with news media. How police represent their work and perceived threats to public safety to the media raises two obvious, but nonetheless important questions: public safety for whom and from whom or what? A critical race approach would suggest that the ‘public’ is often white and privileged and the threat is the non-white ‘Other.’ This perspective, however, needs to be nuanced, as police communication is not uniform across jurisdictions or across issues being reported upon by the news media. Gender-based violence in Canada is one such issue. Some police forces are more actively communicating about sexual violence and domestic violence through press releases, media engagements, and social media, while more police communicators choose to remain silent about non-fatal domestic violence cases, raising the question as to how diverging communication strategies change how one can answer the questions about public safety. Drawing on interviews with civilian and non-civilian police communications officials in two large and two small cities in Canada and a content analysis of local online and print newspapers in the same cities, this paper presents evidence that diverse police approaches to communicating about gender-based violence influences local news reporting and most reinforce the misconception that those at risk to experience gender-based violence are (white) women in public, who should fear the (often non-white) stranger. Representing gender-based violence in this way also works to legitimize the role of the police.

#### **“That is not facilitating peaceful protest. That is dismantling the protest.”: Anti-fracking Protesters’ Experiences of Dialogue Policing and Mass Arrest**

Joanna Gilmore, University of York

In the wake of the death of Ian Tomlinson at the London G20 protests in 2009, Her Majesty’s Inspectorate of the Constabulary (HMIC) proposed a number of reforms aimed at making public order policing strategies in the UK more “human-rights compliant”. One of the most significant developments has been the introduction of Protest Liaison Officers (PLOs) whose role is to build links between police and protesters through the establishment of dialogue and relationships based on trust. These developments have led to a burgeoning scholarship in public order policing in recent years. Whilst some studies have documented the development of ‘dialogue policing’ strategies, none have yet captured the complex interplay between these practices and the more overt forms of coercion and control experienced by protesters. In this paper I begin to fill this lacuna. Drawing on unique data on the experiences of anti-fracking protesters - a hard to reach group whose narrative has not been presented in the academic literature to date - I contrast official accounts with the material conditions faced by protesters. Focusing on protesters’ experiences of both dialogue policing and mass arrest, I argue that there is little evidence of the progressive ‘shift’ reflected in official public order policing discourses.

Rather, I suggest that dialogue policing can have a legitimising function, enabling the police to define protest groups as irrational and ‘uncooperative’ and therefore ripe for violent policing.

### **Representing ‘Transactions’ in a Video of a Police Involved Shooting**

Patrick G. Watson, McMaster University

On July 27th, 2013, Sammy Yatim, an 18-year old man, was shot and killed by Toronto Police Constable James Forcillo on a street car, after Yatim brandished a knife and chased passengers from the vehicle. Forcillo was charged with second degree murder by the Province of Ontario's Special Investigations Unit, and later Crown Prosecutors added a second charge of attempted murder. In January, 2016, Forcillo was found not guilty of second degree murder but was convicted of attempted murder. Forcillo’s trial was influenced by three overlapping bodies of evidence: the sworn testimony of Forcillo and his fellow officers responding to the incident; a Coroner’s report that indicated the cause of death and extent of injuries to Mr. Yatim, and; TTC security video that rendered recoverable aspects of the incident, including a crucial six second pause between volleys of bullets fired by Forcillo that facilitated an interpretation of the incident as (effectively) three separate actions – the first three, fatal shots tied to the 2nd degree murder charge, the pause, and the second six, non-fatal shots tied to the attempted murder charge. This talk examines confluence of Canadian Legislative and Case Law dealing with issues of ‘joinder’ and ‘severance’ and the ‘common sense’ interpretation of video evidence by Crown Prosecutors to recover the judicial relevance of the incident. I will demonstrate how video interpretive work is an important element of Prosecutor’s work, and examine how such work is performed in representing police shootings in court settings.

### **Police Legitimacy and Representations of Justice in Media**

Christopher Schneider, Brandon University

The concept of justice is associated with the idea of fairness. Skogan and Frydl (2004) define police legitimacy as the “judgements that ordinary citizens make about the rightfulness of police conduct.” This paper will explore the relationship between representations of police legitimacy and justice in media, specifically, the role that different media forms (i.e., traditional and social media) have in this overall process.

### **REVISITING ‘RAPE CULTURE’: A CRITICAL DISCUSSION ABOUT CONCEPTS, CULTURES AND THE CARCERAL**

LMX 221

#### **Roundtable with:**

Diane Crocker, St. Mary’s University

Daniel Del Gobbo, University of Toronto

Lara Karaian, Carleton University

Ummni Khan, Carleton University

Shaheen Shariff, McGill University

### **GENTRIFICATION, NEOLIBERALISM & SECURITY**

FSS 5028

Chair: Jeff Monaghan, Carleton University

### **Surveilling Drug Users: Biopolitical Policing and Reporting Strategies in Toronto**

Emily van der Meulen, Ryerson University



Adrian Guta, University of Windsor

This presentation will explore a new and contentious trend within community-based harm reduction programs, that of increased surveillance of people who use drugs by service providers, public health authorities, and the police. Over the past decade, the growing recognition of the benefits of harm reduction, including through state funded programs to provide sterile injection and inhalation equipment, and safe spaces to consume drugs, has resulted in trade-offs in the form of greater visibility, reporting, and surveillance of drug users. Such surveillance is said to improve organizational efficiency and the user experience, but important questions need to be asked about the implications of the data collected.

To make sense of these trends we draw on Foucauldian theory and revisit early concerns that harm reduction programs could become biopolitical strategies. In doing so, we focus on the growing use of “NeoSystems” software in harm reduction organizations in Toronto. This computer program collects and stores demographic information about drug users, their substance use preferences, their tests/diagnoses of blood born infections, and the types and amount of supplies taken at each visit. We link this new electronic surveillance practice with calls nationally and internationally to form partnerships between harm reduction programs and police or other law enforcement authorities. Specifically, we explore a troubling case of two Toronto harm reduction agencies that covertly partnered with police. This presentation will offer a theoretical and applied critique of the ways electronic and police surveillance practices can undermine harm reduction programming by undoing the trust built between organizations and people who use drugs.

#### **“Urban Renewal” as Police Project:**

##### **Political Geography of Policing the Poor in Altindag, Ankara**

Çağlar Dölek, Carleton University

From the late 1990s onwards, a substantial transformation has been taking place in the poor neighborhoods of the urban areas in Turkey. The age-old *gecekondu* regions (shantytowns or squatter settlements) have been increasingly subjected to *urban renewal projects*, which have been deepened through assertive projects of Mass Housing Development Administration (TOKI) during the rule of Justice and Development Party (*Adalet ve Kalkınma Partisi - AKP*). These projects have been characterized by a contested process of gentrification characterized by property transfer and displacement of urban poor from the urban centers alongside the drastic transformation of the urban landscape with the elimination of the *gecekondu* areas. This paper intends to discuss the constitutive role of the police organization in the very definition and materialization of the urban renewal projects within the context of the political geography of policing the neoliberal urban space in Turkey. It will be contended that the urban renewal projects undertaken in *gecekondu* neighborhoods have been materialized as a police project through political discourses of criminalization and stigmatization of the urban poor. This discussion will be developed with reference to the concrete case of of Altindag *gecekondu* neighborhoods in Ankara, the capital city of Turkey, with a view to revealing the socio-political *agency* of police organization in determining the socio-spatial contours and politico-economic content of the urban renewal projects undertaken.

#### **Living on the Edge: Examining Community and Resistance in Tent Cities**

Genevieve Johnston, Carleton University

The existence of tent cities remains contentious both for those who advocate for the poor and those who condemn them. I argue that in spite of their obvious drawbacks and potential for harm, they also offer an opportunity for the urban poor to assert their ‘right to the city’ (Lefebvre, 1996) and redefine accepted definitions of home and community. This paper critically analyzes tent cities in Canada and the

U.S. from a perspective that transgresses the 'orthodoxy' of homelessness studies which attempt to weigh the causes of homelessness and construct people experiencing homelessness as exceptional cases outside of an undefined mainstream. Drawing on a thematic analysis of interviews with tent city residents gleaned from documentaries, reports, and news articles, I discuss how, like the many millions of marginalized others who struggle to pay rent or mortgages, tent city dwellers are overworked, exploited, and punished by the same neoliberal capitalist system that falsely presents poverty as an individual problem brought on by personal failure and inadequacy. I mobilize McNaughton's (2008) conception of edgework to shed light on the ways in which homeless communities can transcend marginalization, and explore how the communities created by tent cities provide residents with some of the supports, safety, and sense of purpose needed to restore a sense of normalcy to a highly stigmatized living situation.

### **Unruly Policing Practices in the City of Buenos Aires**

Carlos Torres, McMaster University

It is understood that the "official role" of the police is to combat crime and ensure public order. Whereby there is widespread crime and/or social unrest the police may enter into a *law and order* mode of policing (Hall et al 1978). Both the former and latter have given rise to much research in the field of policing. The point of departure of this discussion is to explore how social and economic forces mediate policing practices, which, in turn, cause an inversion from the conventional mandate of public safety and order. One of the major consequences of this inversion is that sectors within the police become involved in the process of crime and disorder. Using various case studies from *La Federal* de Buenos Aires (Federal Police of the city of Buenos Aires) this discussion aims to ask the following questions: In what ways has neoliberalism impacted policing in Buenos Aires? In particular, how has public cut backs in policing given rise to organized forms of crime from within the police force? Correspondingly, how does the economic context in Argentina factor into destabilizing social order, put into disrepute the legitimacy of the police and creating a culture of fear? Finally, what impacts do changes in the social economic sphere have on how justice is (mis)represented?

## Session D

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### CONTRÔLE, MÉDIATION & VIOLENCE / CONTROL, MEDIATION & VIOLENCE

FSS 4004

Simultaneous translation /  
traduction simultanée

Présidente : Isabelle Perreault, Université d'Ottawa

#### **Fouille corporelle et alternative technologique : un compromis entre sécurité et intimité?**

Anaïs Tschanz, Université de Montréal

Au sein du dispositif sécuritaire de lutte contre le trafic de drogue et la contrebande en milieu carcéral, la fouille corporelle occupe une place de choix. Instrument routinier de détection d'objets illicites en détention, la fouille n'en est pas moins une pratique dégradante, vécue comme une violation de l'intimité par les détenus qui la subissent. À l'ère de la modernisation des dispositifs de contrôle, certaines alternatives technologiques à la fouille semblent toutefois permettre un compromis entre l'exigence sécuritaire de l'institution et la réserve corporelle des personnes incarcérées. C'est notamment le cas du Body Orifice Security Scanner (BOSS). Utilisé dans certains établissements correctionnels du Canada, ce scanner corporel est présenté comme un instrument de détection sécuritaire et non intrusif. Issue d'une recherche plus générale portant sur l'intimité des détenus, notre communication aborde la problématique des fouilles corporelles en deux temps, à partir d'une démarche méthodologique double. Dans un premier temps, une quarantaine d'entrevues menées auprès de détenu(e)s incarcéré(e)s dans des prisons provinciales du Québec nous permettent d'explorer leurs expériences et perceptions de cette pratique, vécue comme une atteinte à leur intimité. Dans un second temps, nous proposons une analyse du BOSS et de ses fonctionnalités à partir d'une étude documentaire qui nous amène à discuter du choix de ce dispositif technologique. Semblant a priori pouvoir se substituer à la pratique controversée de la fouille, nous verrons qu'en produisant des effets divergents de ses objectifs initiaux, cette technologie contribue, au final, à matérialiser le véritable boss en prison.

#### **Les professionnels de la critique : Les membres du Contrôleur Général des lieux de privation de liberté (CGLPL)**

Nicolas Fischer, CESDIP/CNRS, Université de Versailles

A partir d'une enquête de terrain combinant des entretiens et le recours à l'observation ethnographique, cette communication reviendra sur les propriétés sociales et le recrutement des membres du Contrôleur Général des lieux de privation de liberté (CGLPL) autorité administrative indépendante récemment constituée pour visiter les lieux de réclusion français, s'assurer du respect des droits fondamentaux des détenus, et rendre publiques ses conclusions sous la forme de rapports critiques. La communication reviendra notamment sur la tension entre l'origine des membres du contrôle (ils sont en majorité issus des administrations contrôlées, notamment l'administration pénitentiaire), et le travail de distanciation critique que suppose l'activité de contrôle. Comment expliquer, dans ces conditions, qu'un haut fonctionnaire en exercice pose sa candidature pour intégrer le Contrôle ? A quels choix et à quelles réorientations professionnelles correspond une telle orientation du côté des candidat.e.s – et peut-on définir un profil des carrières administratives qui y mènent ? Il s'agira également de s'interroger sur l'ethos professionnel du « contrôle indépendant » que produisent ces profils particuliers lorsqu'il s'agit de mettre en œuvre concrètement le contrôle des institutions de réclusion et, pour finir, d'envisager les rapports de familiarité et de distanciation critique

qu'entretiennent les contrôleurs avec les détenus et les professionnels qu'ils rencontrent au cours de leurs visites d'établissements.

### **Les représentations professionnelles associées aux personnes qui reçoivent et qui pratiquent l'intervention sociojudiciaire en violence conjugale**

Célyne Lalande, Université de Montréal

Sonia Gauthier, Université de Montréal

En plus de l'incontournable perception de la problématique de la violence conjugale comme étant un crime, il est essentiel de ne pas négliger d'analyser cette problématique comme étant un important problème social. En conséquence, la lutte contre la violence conjugale requiert une intervention de nature structurelle pour assurer l'égalité de droit et de fait entre les femmes et les hommes. De plus, en ce qui concerne les personnes aux prises avec la violence conjugale et dont la situation est judiciairisée, il est incontournable qu'à toutes les étapes du processus pénal une intervention psychosociale auprès de toutes les personnes touchées (la victime, l'agresseur, les enfants exposés) soit prévue.

Notre communication fera état de cette vision de l'intervention à privilégier dans les situations de violence conjugale judiciairisées. La promotion de l'intervention sociopénale dans les cas de violence conjugale est d'ailleurs au coeur du *Plan d'action gouvernemental 2012-2017 en matière de violence conjugale*. Notre communication présentera la matérialisation de cette vision dans le plan d'action et dans des pratiques inspirantes au Québec et dans quelques provinces canadiennes. Elle portera finalement sur les secteurs qui nous semblent les moins bien couverts et sur les résistances potentielles au développement de certaines pratiques.

### **La médiation sociale, une autre voie vers la résolution de conflits? Récits et expériences de médiateurs**

Véronique Strimelle, Université d'Ottawa

La recherche dont je vais vous parler porte sur ces situations de déprivatisation de conflit, quand des individus font appel à un tiers extérieur hors du système pénal. L'objectif principal de cette recherche vise à mieux saisir les conditions qui amènent les personnes à abandonner leurs propres pratiques régulatrices pour faire appel à des ressources externes en cas de situation conflictuelle. Pour mieux saisir ce processus, je me suis basée sur des entrevues semi-directives menées auprès de 32 médiateurs sociaux et intervenants assurant des services spécialisés en règlement des conflits. Étant souvent les premiers répondants en cas d'appel, ils constituent, à ce titre, des témoins privilégiés pour identifier les circonstances et les raisons qui poussent certaines personnes à les contacter. Ils peuvent aussi nous éclairer sur les critères qu'ils utilisent pour sélectionner les cas qui leur sont soumis. Se centrer ainsi sur les pratiques alternatives de régulation comme la médiation permet de placer les normes pénales étatiques dans une perspective plus large, en les considérant comme des formes possibles, mais non uniques de régulation. Cette démarche vise ainsi à mieux caractériser le rôle joué par la médiation dans le rétablissement de relations sociales en dehors de tout contexte institutionnel.

### **La contribution des sciences forensiques à la vérité, la justice et la réparation : Étude comparé du cas Colombien et Chypriote**

Wendy Carazo Méndez, Université Panthéon Assas (Paris 2)

Suite à des périodes marquées par de violences extrêmes qui se sont soldées par des nombreuses violations des droits de l'Homme, les États vont chercher des réponses légales qui les permettront d'affronter ces atrocités et d'établir des moyens pour reconstruire un lien social et une rupture avec le régime passé. Dans cette logique des nombreux Etats a opté pour faire recours à la Justice

Transitionnelle. Il apparaît en effet, inconcevable pour les victimes de penser à une reconstruction ou à un nouveau départ sans faire face aux violations qui ont fait tant du mal à la société.

Les investigations forensiques ont une place essentielle lors de processus de reconstruction étatique. Dans les cas des disparitions forcées, elles ont permis l'ouverture des débats sur des sujets condamnés au silence ; l'identification des corps répondant à des buts humanitaires et plus largement à l'élucidation des faits et l'établissement de la justice.

Il s'agirait donc de savoir à quel point leur intervention va aider au développement de la reconstruction et la réconciliation étatique. A travers l'établissement de la vérité, la justice et la réparation. Cela, à travers une étude comparée du cas Colombien et Espagnol.

## **HARMS, RISKS & PREVENTION**

### **FSS 2001**

Chair: Ummni Khan, Carleton University

#### **What About 'the sex offenders'? Addressing Sexual Harm from an Abolitionist Perspective**

Adina Ilea, University of Ottawa

Claire Delisle, University of Ottawa

The 'sex offender' is the subject of intense media focus, public attention, political manipulation, as well as psychological, sociological and correctional interest. She or more often he, is categorized, classified and vilified by the public, the media, the psy-disciplines and through diverse correctional practices. While penal abolitionists have engaged with diverse issues, sexual offending has been relatively absent from the conversation. Our presentation will dissect the social construction of the "sex offender" category, examine the resultant problems for the abolitionist stance, and propose a way to move the conversation forward. We conceptualize what engaging with the issue of sexual harm would look like from an abolitionist perspective and explore various initiatives such as Circles of Support and Accountability (CoSA), and other promising initiatives that would work well for people who are likely to or who have sexually harmed.

#### **Financing Crime Prevention: The Politics and Pitfalls of the Social Impact Bond**

James W. Williams, York University

Stefan R. Treffers, York University

This paper explores a new innovation in the funding of crime prevention programs. Termed social impact bonds (SIBs), or pay-for-success bonds, these use private capital to fund a range of social programs with investors receiving returns paid by the government only if programs meet specified performance targets such as clearly defined reductions in recidivism. In return, government agencies benefit from both the transfer of risk and reduced funding obligations in the short-term, and the possibility of long-term savings from reduced demands on the criminal justice system and related social services. While the ability to marshal private capital for the provision of social services is especially attractive in the current climate of fiscal austerity, SIBs suffer from several limitations that cast doubt on claims of government savings and risk transfer to the private sector. Moreover, they present numerous social justice concerns including the increasing financialization of crime prevention which undermines accountability and presages the growing commodification of social problems, the potential for net-widening, the emphasis on narrow forms of evidence-based evaluation, and perverse incentives that can lead to problems such as the "creaming" of target populations. Drawing on the preliminary results of a three year study, this paper examines the possibilities and in particular the limitations associated with

this investment vehicle as it has been deployed in the UK, US, and Canada. A number of avenues are then suggested for future research in this area including the pursuit of alternative funding arrangements that are less dependent on private capital.

### **‘Controlling the Filth’ or Managing High Risk Offenders in Canada: Peace Bonds, Bail Packages, and Surveillance**

Dale Ballucci, Western University

Garrett Lecoq, Carleton University

Dale Spencer, Carleton University

Peace bonds—or sureties to keep the peace—are located under s. 810 of the *Criminal Code of Canada* and date back to the 14<sup>th</sup> century in England (Childress 1994). Historically these bonds were used to resolve conflicts among private individuals (Clayton 1985), however, more recently they have evolved into tools of managing high risk offenders in Canada. Whereas offenders released on probation may have restrictions placed upon them, peace bonds allow similar sanctions placed on individuals not currently charged with a criminal offence. Utilizing data from a national study across Canadian police services, this paper offers insight into how peace bonds are applied to aid in managing individuals deemed to be high risk. Particularly, we focus on how peace bonds are obtained, how the sanctions offered by peace bonds are enforced, and how officers perceive them as either reactive or proactive tools in managing high risk offenders in the community.

### **The Not so Ideal (Child Sex) Offender**

Christopher Greco, Université de Montréal

On the topic of victimization Nils Christie writes that ideal victims and ideal offenders are interdependent character extremes within a particular moral ordering. While signs of this interdependence are habitually found in media reports, academic texts, and parliamentary debates on issues relating to child sexual abuse, the same cannot be said of how the phenomenon of online child luring (OCL) is represented within Québec’s provincial court system. Using data gathered as part of a project funded by the Centre international de criminologie comparée, fifty-six OCL-related cases, tried in the province of Québec, are used to challenge Christie’s argument and discuss its socio-political consequences.

## **DECOLONIZING CANADA**

**LMX 221**

Chair: Jennifer Matsunaga, Queen’s University

### **“Until there is not a single Indian”: From Intimate Colonialism to Empathic Unsettlement in a Virtual Indian Residential School**

Andrew Woolford, University of Manitoba

Canada’s Indian Residential Schools were often sites of what Stoler refers to as “intimate colonialism.” Affection and caring were deployed to sever ties between children and their families and also to establish new affective relationships between children and school staff conducive to facilitating assimilation.

The disciplinary ordering of the residential schools will be juxtaposed with the space and temporality of the virtual Indian Residential School we have created as part of the *Embodying Empathy* project. This multidisciplinary and Survivor-led initiative revolves around the construction of a dynamically interactive and immersive “storyworld”.

We argue that strategic use of inherently unbounded, multivocal and narratively rich virtual time/space allows for the production of counter-memories of IRS. More ambitiously, the storyworld

strives to produce embodied forms of what LaCapra terms “empathic unsettlement,” the experience of which demands critical, decolonizing modes of affective identification that take the present to task.

### **Preventing Sexualized Violence against Indigenous Women in Turtle Island: Deconstructing Colonial Falsehoods**

Lisa Monchalin, Kwantlen Polytechnic University

Colonial narratives regarding Indigenous women have permeated institutions, and infused today’s value systems. As a result, Indigenous women are hypersexualized through all facets of western media and culture stemming from imperial colonial legacies. Dominant western narratives are deconstructed, challenged, and re-evaluated to reveal that violence affecting Indigenous women is not traditional to Indigenous communities and cultures. Rather, true narratives reveal that in various communities, women were leaders, were valued, honoured, respected, and viewed as sacred human beings. It is argued that sexualized violence affecting Indigenous women must be understood within the context of Canada’s shameful history, and the unchanged colonial goals of original forefathers—those which attempt to silence voices, histories, and cultures of Indigenous peoples—and continue and uphold racism, and patriarchy. Moving forward, many people are raising awareness and empowering communities through cultural reclamation, traditional healing and prevention, acts of resurgence, and self-expression through art, music, and dance.

### **Missing and Murdered Indigenous Women in Canada and Grassroots Justice Strategies**

Vicki Chartrand, Bishop’s University

Missing and murdered Indigenous women across Canada has long been a concern for Indigenous communities, but has only recently received significant national media and public attention. Despite the increased focus on the issue today, there has been little focus or research on the strategies and activities developed by the families and communities to address the murders and disappearances or their related experiences. This research addresses this gap by through interviews carried out with Indigenous family and community members of the missing and murdered women in a cross-country road trip over 17 days covering over 10,000kms. By illuminating these activities, this work considers the significance of Indigenous grassroots approaches and highlights the strength building capacities and resilience of Indigenous peoples in Canada today.

### **Understanding the Overrepresentation of Indigenous Peoples in Canada’s Correctional Facilities: Settler Colonialism as a Unifying Conceptual Framework**

Megan Mitchell, University of Ottawa

Canada’s correctional facilities are disproportionately filled with Indigenous peoples. Despite the considerable scholarly and governmental attention given to this issue, the traditional explanatory models for Indigenous overrepresentation (i.e., socio-economic marginality, criminal justice bias, and colonialism) have been narrow in focus, overly simplistic in nature and altogether inadequate. In an attempt to overcome the limitations of these earlier models, this paper proposes *settler colonialism* as a unifying conceptual framework for understanding the overrepresentation of Indigenous peoples in Canada’s correctional facilities. Indeed, this paper argues that settler colonialism can be understood as having largely produced the conditions of existence which have made possible both the socio-economic marginality and criminal justice bias positions. Accordingly, settler colonialism is presented as a more complex and nuanced explanatory model which can unite traditional explanations of Indigenous overincarceration within a broader and more contextualized framework.

## ISSUES IN POLICING I

FSS 5028

Chair: TBA

### **The Canadian Policing Crisis in Perspective**

James Sheptycki, York University

At an abstract and symbolic level there is evidence to suggest that the tradition of democratic policing by consent and the associated quest for police legitimacy has turned a corner in Canada. For example, in late 2016 the Toronto Police Service began replacing its familiar white and blue Ford Crown Victoria vehicles with Ford Interceptors painted in a dark shade of grey with "Police" printed in highly reflective black decals on all four sides, prompting a public outcry. Many commentators reflected that up until the 1980s, police cars in Toronto were bright yellow. There seems to be something salient in the changing imagery of police vehicles, symbolic shifts that suggest policing has begun to feel more oppressive and less of a public service. This presentation aims to place Canadian policing in the context of its present crisis of legitimation. The crisis is contingent on a number of historical factors: the changing economics of policing in Canada; the rise of surveillance technologies; a changing multi-cultural society; geo-politics and a pervasive domestic politics of fear are all contributing factors. This presentation presents an overview and analysis of some current academic research on policing in Canada. It aims to foster a greater public understanding of the Canadian politics of policing.

### **The Future of Section 8 of the *Charter* – the Drift from *Hunter v. Southam***

Richard Jochelson, University of Manitoba

David Ireland, University of Manitoba

Using *Hunter et al. v. Southam* as a comparison point, we explore the rationales underpinning those Supreme Court of Canada cases that interpret and animate the powers of the police in relation to section 8 of the *Charter*: privacy protections, search, and seizure. The Court adopts a harm principle directed at protecting the public perception about the integrity of the system that sees its own role as one of protecting the proper functioning of society through risk-security crime control. Because the Courts views themselves as the guardians of the *Constitution* and the law as a truth-finding mechanism, the justification for an expanded reach in circumstances that historically would have provided an absolute bar to the admission of certain kinds of evidence appears to be firmly oriented towards protecting society from future risks of harm. The result has been a weakening of constitutional protections against unreasonable search and seizure and the Supreme Court's recent jurisprudence could be mistaken for a charter of surveillance. A society where police power is administered by a reviewing court places the legitimacy of police action later in time in the criminal process and denies a citizen the possibility of knowing the substance of certain rights until the adjudication of the matter before a court. Some have argued that we are in an era of security concerns and that surveillance based policing is becoming more acceptable as a result. We explore whether this claim is revealing in the context of the section 8 *Charter* jurisprudence.

### **Representing the Morality of Public Police: Exploring the Goods and Bads of Extra Duty and Secondary Employment in Police Departments across Canada and the United States**

Randy K. Lippert, University of Windsor

Mathew Zaia, University of Windsor

Kevin Walby, University of Winnipeg

How public police become enrolled as agents of moral governance has been studied extensively; this paper explores public police as the subjects of moral governance. Public police are morally governed



within their departments when they seek employment relations with external organizations. Drawing on extensive empirical research about private employment of public police (PEPP) across Canada and the United States, including “extra duty” and secondary employment of police, we investigate this moral governance. Private businesses and other organizations are increasingly hiring extra duty police for tasks including regulating traffic for movie shoots, patrolling bar districts for inebriated patrons, and monitoring consumers at retail events. Public police also are governed by their departments regarding their secondary employment with organizations beyond their regular and department sanctioned extra duty responsibilities. However, some organizations’ requests for extra duty services and individual officers’ requests for secondary employment are prohibited or denied by police departments. Such determinations of “good” and “bad” organizational relationships, we contend, is influenced by the moral status attributed to the work assignment, the worksite, or the requester, and is partially driven by how the police department wishes to represent itself to the public, especially if a given relationship were to become problematized. Engaging with socio-legal literature on moral governance and regulation, we demonstrate how the moralized character of PEPP engenders governance of public police and how this moralization differs across PEPP types, departments, and jurisdictions. Ultimately, we argue that permitting PEPP is indexed to how police manage the representation of morality and the boundaries of police departments for public consumption.

## **DAY ONE KEY NOTE**

### **Critique de la raison punitive / Critique of Punitive Reason**

Didier Fassin,  
Institute of Advanced Study

**FSS 4004**  
**Simultaneous translation /**  
**traduction simultanée**

**OVERFLOW ROOMS**  
**SALLES SUPPLÉMENTAIRES**

**FSS 3040**  
**FSS 2001**

**ONLINE STREAMING**  
**VISIONNEMENT EN LIGNE**

**[www.ustream.tv/channel/tpcp-canada](http://www.ustream.tv/channel/tpcp-canada)**

## Session E

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FSS 4004

Simultaneous translation /  
traduction simultanée

### CARCERAL SPACE & RESISTANCE / L'ESPACE CARCÉRALE ET LA RÉSISTANCE

Chair / président : Nicolas Carrier, Carleton University

#### **Création collective dans l'enfermement : du jeu théâtral à la subversion institutionnelle**

Chloé Branders, Université catholique de Louvain

Alors que certains promoteurs du *théâtre-action* en prison revendiquent le « droit à la culture pour tous » dans un esprit de normalisation de la vie carcérale, d'autres critiquent l'instrumentalisation des ateliers artistiques qui, loin d'offrir véritablement une humanisation de la peine, sont réutilisés pour servir les intérêts de la prison tout en participant voire en renforçant le système de contrôle existant. Dans un contexte de crise du projet d'enfermement, la recherche doctorale actuellement menée au sein du Centre de Recherche Interdisciplinaire sur la Déviance et la Pénalité (CRID&P) à l'Université de Louvain (UCL), vise à analyser ces pratiques artistiques engagées en interrogeant leurs fonctions sociales et politiques. Ecartelé entre managérialisation de l'action pénale, projet pénologique réhabilitateur et action politique émancipatrice, l'atelier de théâtre-action s'organise au coeur du cellulaire et a pour objectif de théâtraliser le propos collectif émanant des comédiens incarcérés.

Au moyen d'une démarche ethnographique de plusieurs mois, l'observation et la participation actives à l'atelier ont permis de faire émerger plusieurs points d'analyse. Entre illusion et réalité, il s'agit d'explicitier ce qui se joue dans ces interstices, ces espaces intermédiaires, ces aires subtilement créées par le processus de création collective en prison. Car si l'art peut être considéré comme une forme de résistance, il semblerait qu'en étant constamment en création, le théâtre permettrait de déjouer et le jeu de subvertir.

#### **Rattling Assumptions: Lived Experience, Critical Analysis, and Collaborative Learning in a Women's Prison**

Shoshana Pollack, Wilfrid Laurier University

Dominant narratives about women in prison are riddled with psychological discourses about instability, poor decisions, victimization, low self-esteem and riskiness. Correctional facilities encourage female prisoners to self-define using these narrative frameworks to illustrate their reform-ability (Pollack & Eldridge, 2016). The psychologized correctional framing of incarcerated women automatically disqualifies them as legitimate knowers of their own experiences and with that disqualification comes the erasure of social context as a factor in their involvement in the criminal justice system. Judith Butler (2004) writes that transformation occurs when norms are unsettled and rattled; a process that brings people into being. Drawing upon Butler's notion of 'rattling' norms, this paper discusses the impact of a Canadian university program that brings together incarcerated women and students from a Faculty of Social Work to take semester long for-credit classes. The basic premise of the teaching model is that all aspects of the student - emotional, physical, spiritual, and intellectual - are considered legitimate sources of knowledge. Research on the impact of taking these classes found that incarcerated students reported a sense of finding their own 'voice' and identity outside correctional discursive frameworks, an increase in their self-confidence in pursuing higher education, and fostered a critical social analysis.

## **Legitimizing the “fiasco”: State Justifications of CORCAN Prison Labour**

Shanisse Kleuskens, University of Ottawa

Since Kingston Penitentiary’s opening in 1835, prison labour has been an integral part of Canada’s penal history, further entrenched in 1980 with the inception of CORCAN, the Correctional Service of Canada’s prison labour program. Though depictions of this penal practice materialize throughout popular culture, there has been little elucidation on the (mis)representations of prison labour by the Canadian state, including the implications of these representations on the struggle to abolish the penal apparatus. Drawing on political economy of punishment and penal abolitionism literature, my presentation seeks to explore state justifications of prison labour and the prison in Canadian society, amidst ongoing critiques of the prison as “a fiasco in terms of its own purposes” (Mathiesen, 2006, p. 141) and calls for its abolition (Davis, 2003). Annual reports produced by the state on this topic were studied as cultural texts through which the state performs its legitimacy and justifies its own success (and therefore, existence), further embedding prison labour into the Canadian landscape. I demonstrate how CORCAN’s prison labour program is legitimated as a “positive reform” (Mathiesen, 1974) of Canada’s penal system, deemed beneficial to prisoners, communities, and the needs of the Canadian state. Underneath this benevolent and sometimes contradictory mask, such representations are found to reproduce neoliberal capitalism as the hegemonic form of economic organization, construing prisoners and prison labour as solutions to the gaps and shifts in the national economy and labour market. From these findings I ask: How can such official hegemonic representations be countered in pursuit of abolitionist ends?

## **ISSUES IN POLICING II**

**FSS 5028**

Chair: Alex Luscombe, University of Winnipeg

### **Police Interactions with Mentally Ill Youth: A Social Constructionist Analysis**

Kelsey Allen, University of Guelph

In the past few decades, the over-representation of youth with mental illnesses within the Canadian criminal justice system has raised concern among political figures, legal actors and scholars. Although the Ontario Mental Health Act recommends that youth with mental illness should receive specialized treatment, such as greater judicial discretion, research demonstrates that these youth continue to be dealt with by the criminal justice system through harsher measures and more punitive sanctions than youth without mental illness. A vast amount of research has attempted to understand the decision-making processes of court personnel, including judges, lawyers and juries, in dealing with such youth. However, very little research has been conducted on the decision-making processes of police officers when encountering mentally ill youth, particularly from a social constructionist viewpoint. Using a mixed-method approach with approximately 20 police officers’, this paper explores the experiences that police officers rely on in order to construct mental health schemas. Additionally, it relates these schemas to police officers’ decisions to respond to perceived mentally ill delinquent youth with formal and/or informal action. Policy implications regarding treatment of perceived mentally ill youth governed under the OMHA and YCJA will be noted. Possible solutions to this issue will be discussed.

### **Police Oversight: Sociological Impacts of the Coroners Inquests**

Vincent M. Eagan, York Regional Police

Police use of force review in unexpected deaths of citizens in the criminal legal system ideally functions to see if the criminal and other rules for police use of force were applied. This conference paper is looking at the complementary no blame, no liability socio-medical & medico-legal Coroner’s Inquest towards finding underlying antecedent sociological determinates in the causal chain. What is the

meaning of the Coronal death classification (homicide, suicide, natural, accidental, or undetermined) towards police oversight, along with the other findings about cause and antecedent factors? My data, n = 190 of Canadian Inquests of police operations deaths, as well as reviewing AU/UK inquests, had outlier findings that had me, as a serving police officer asking: what do those findings mean? The means of death of John Caleb Ross, shot by Ontario police in April 2014 was a 'suicide'. The October 2007 BC airport death of Robert Dziekanski lists the cause of death as cardiac arrhythmia, but finds the means is 'homicide' in a case where a police firearm was not used. What can we in policing learn from using a complimentary sociological analysis in the causal chain? My social autopsy goal using (1) Inquest data and (2) symbolic interaction/ grounded theory methods is to build on the therapeutic jurisprudence arguing the role of Inquest to police best practices.

### **“Set up to fail?” A Critical Analysis of Canada’s First Nations Policing Program**

John Kiedrowski, Compliance Strategy Group

Rick Ruddell, University of Regina

In 1992 the First Nations Policing Program (FNPP) was enacted so that First Nations could establish their own self-directed police services, which would represent a significant step toward self-determination over Indigenous justice systems. The main goals of the FNPP were to enable First Nations to provide professional and culturally appropriate police services. Like many other justice system programs, however, there was a disconnection between the vision and the actual operations of these agencies, and many of these fledgling police services disbanded within a few years of their founding. In 2002, the president of the First Nations Chiefs of Police Association questioned whether First Nations police services were intentionally set up to fail, citing funding shortfalls as a key barrier to providing effective services: a problem that was also identified by the Auditor General of Canada in 2014. This study examines the possible futures of the FNPP given existing funding and operational arrangements, including the possibility of amalgamating these police services.

### **The Normalization of Police Violence: A Critical Cultural Analysis of Training Day**

Cameron A. Brown,

Eastern Kentucky University

This paper is a cultural analysis of the critically acclaimed film *Training Day*, which will examine the monstrosity of law enforcement officials and the techniques employed in normalizing violence against the civilian population. Normalization of violence is viewed as the greater good of society and obscures any illegal or immoral tactics that law enforcement officials employ while conducting their duties. Law enforcement agents with the ability to deem certain behaviors and people monstrous, “the inverse or outside of what is acceptably human in a particular social or cultural context” (Wright, 2013). According to Wright (2013) monstrosity is a manifestation that which disturbs the social norms or troubles an existing understanding of what is humanly acceptable.” The same powers that allow law enforcement to demonize someone or something are the same powers that allow law enforcement to use lethal-violence against civilians with little to no consequence. “Fear of other humans drives us initially into the security and protection offered by the state, but the ongoing project of security is produced through an *imagination of a new Enemy* said to be an enemy of all members of the state and a threat to the very existence of the state” (Neocleous, 2016). The presentation of the victim of police violence as a monster normalizes the illegal and immoral techniques of law enforcement officers in pursuit of their duties. This paper will highlight the techniques employed by law enforcement to demonize the victims of police violence in an effort to normalize it.

## **DOMESTIC, FAMILY & GENDERED VIOLENCE**

### **MRT 218**

Chair: Jennifer Kilty, University of Ottawa

#### **The Impact of Mandatory Charging Policies on Abused Women**

Deborah E. Conners, University of Ottawa

Holly Johnson, University of Ottawa

This paper reports on the early findings of an Ontario-wide research project investigating the impact of mandatory charging policies in cases of domestic violence. Legislative responses to domestic violence, including mandatory charging policies, were introduced across Canada in the 1980s. In a 2009 report, Ontario's Domestic Violence Advisory Council noted numerous unintended consequences of these policies and recommended an impact study. This study responded to those recommendations with a research project that involved the design and deployment of three on-line questionnaires: one for women survivors, another for service providers and another for police. The Ottawa Coalition to End Violence Against Women (OCTEVAW) was the community lead for the project and participants were recruited through the Building a Bigger Wave Ontario Network (BBWON), a province-wide network of coordinating committees. The findings of this study will help stimulate policy discussions among community agencies, justice organizations and Ontario government ministries.

#### **Misrepresentation, Marginalization and Control in Family Violence Policy**

Lori A. Stinson, University of Ottawa

In 1991, after decades of struggle, the Canadian government launched the Family Violence Initiative (FVI) with the goal of eliminating family violence in Canada. Responding to long term pressure from women's and minority groups, the government of the day acknowledged that addressing violence against women, and gender inequality in general, was pivotal to ending family violence. From this historical vantage point, with particular attention to the FVI under the Harper regime, this paper critically examines the recent policy and practice of the FVI as the principal Canadian federal government policy discourse on gendered violence. Through the FVI's recent incarnations the federal government has (re)defined the issue of gendered violence in a way that pathologizes and neutralizes gender and race, negates gender as a meaningful social category, and still enshrines both as markers of risk. Through partnership and seed programs, the state reduces its responsibility and ability to be held accountable while it extends its definitive and administrative authority. Ongoing financial support for any effective programs or services is decimated, and affected populations lose legitimacy in naming and responding to the sources of their problems, effectively turning what was once a collective discourse of solidarity and resistance into one of particularization, misrepresentation, marginalization and control. The history and current expression of the FVI raises questions about the ability of the neoliberal state to simultaneously concentrate and hold authority over the legitimate definition of a social problem like family violence while incorporating and co-opting resistance.

#### **Witches, Bitches, and White Feminism: A Critical Analysis of *American Horror Story – Coven***

Meg Lonergan, Carleton University

There is both a long and well-known history of associating feminists with both witches and bitches. Less well known is the deep association and critique of the whiteness of academic, popular, and mainstream feminisms in particular. This paper combines utilized ethnographic content analysis and intersectional feminist analysis to engage with the television show *American Horror Story: Coven* (2013). I argue that it can be read as an allegory for contemporary issues within feminist theories and practices. *Coven* represents such prominent issues as the persistent white supremacy within feminism-- particularly within academia, the political differences between generations, anti-feminist men's movements (so-

called men's rights, the Red Pill, etc.), as well as the diverse subgroups of feminism represented in the diverse characters represented in the show (including critical disability and environmental feminisms). How can reflecting on this popular culture text help contemporary white feminists be self-reflexive, imagine, and practice better futures? Can identification with the characters and conflicts in *Coven* encourage creative political mobilizations? How are popular culture texts a potential tool for social justice thinking and organizing? Within this paper I also analyze the inclusion of the historical figure Madame Delphine Lalaurie, infamous for his torture and murder of slaves in New Orleans in the 1860s. I conclude with a brief discussion on the enduring symbol of the witch and witchcraft for feminists.

## **YOUTH, 'GANGS' & CRIMINALIZATION**

**FSS 2001**

Chair: Aaron Doyle, Carleton University

### **From the Corner to the Classroom**

Alex Scantlebury, Algonquin College

In just over 5 years, Alex Scantlebury went from being an active gang-member, to convicted criminal, to married father of four and college professor. He will discuss how he accomplished this, and the challenges that he faced while navigating the Canadian Justice System.

### **Making the Culture of Jeong Persist in Korea: An Institutional Ethnography Study of the Rules and Procedures Governing Korean Peoples' Beliefs and Values**

Angela Won, Queen's University

This project analyzes the experience of the professionals involved and young offenders in the Criminal Justice System in South Korea. Using the Institutional Ethnography study introduced by Smith, this project looks at the key texts and social relations concerned with in implementing restorative justice practices. this thesis demonstrates a clash between the Korean cultural ethics of "jeong," which stresses the need for restoration and peace in the face of all criminal actions, and the effects that juvenile detention systems have on social relationships. Particularly, a reformation method of discipline, also known as a "state of protection," will be observed closely to show how the government texts, criminal officers and students involved in juvenile system (re)produce the effects of cultural ethics of "jeong" to continually stigmatize and marginalize the conditions of ex-juvenile offenders in South Korea. (Kim Jae-Jin 2013). I argue that this is a problem because when both victims and offenders try to reconcile their conflict through the state of protection and not between the parties involved, this will further create a divide between an in-group (Woori, people who have not offended) and an out-group (Nam, people who have offended and against whom there is a bias), further reinforcing the culture of Jeong, and (re) producing relationships of discrimination based on an individual's previous criminal background. As ex-juveniles become excluded from the law-abiding students, they are more likely to re-offend due to peers' stigmatization that pushes them back into the subcultural groups where they learn criminal activities (Herald Politics 2014; Kim and Lee 2013:N.P). This use an analysis of Korean Peacebuilding Institute (KOPI) – a restorative justice program currently in place in Korea— to identify the ways to close the gap between the victims and offenders involved so that both parties will understand one another, resulting a decreased level of hostility towards Nam that has been (re)produced by the effects of Jeong.

### **Understanding the Needs of Street-Involved Youth in Southern Ontario: A Client-Centred Approach**

Samantha Styczynski, Wilfrid Laurier University

Research into the needs of street youth often employs a "top-down" approach, relying on health professionals as experts on their needs as opposed to directly engaging the sentiments of the youth themselves. This literature is often based on the assumption that meeting the needs of street youth

involves providing access to opportunities for minimizing the risks posed by street life, such as increased mental health supports and improved access to housing. This study serves as a counterbalance to this literature by employing a symbolic interactionist approach to give these youth the opportunity to describe their experiences of street life, and their concerns, difficulties, and strengths in meeting their unique needs. Instead of focusing on protecting youth from risks, it treats them as capable individuals who are experts in defining their needs and as stakeholders in the services offered to them.

### **Blurring the Lines: Gendering Indigenous Women and Street Gang Involvement**

Robert Henry, University of Calgary

Research conducted on Indigenous female street gang members expresses that there is a need to understand street gangs through a gendered approach, because Indigenous females become gang involved due to 'social injury', "as they tend to come from more disadvantaged backgrounds, and once gang-involved, face a number of additional gender-based risks" (Grekul & LaRocque, 2011: 133). Once involved with a street gang, this research shows that the female experience is most often connected to sexual activities for the gang or drug transportation (Goodwill, 2009). As a result, Indigenous females are regulated to the margins of street gangs where they become doubly marginalized as Indigenous and female (Grekul & LaRocque, 2011). As a result, the agency of the women who become involved is continually linked to their ability to provide 'sex' and drug mobility for the gang. However, what is missing through this research is how Indigenous female gang members embody a specific type of masculine performance as a way to protect themselves and increase their economic capital within local street fields. Using data collected from nine Indigenous women who were involved with, whose partners were involved with, or their children were involved with Indigenous street gangs, I show how the women who were actively involved in street gangs embodied a specific masculine performance, connected to local street codes, that is also found in male street gang members. As a result, this challenges the continued narrative that Indigenous women are only sexual objects within street gang set spaces.

## Session F

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### IMMIGRATION PENALTY / IMMIGRATION ET LA PEINE

FSS 4004

Simultaneous translation /  
traduction simultanée

Chair / président : David Moffette, Université d'Ottawa

#### **Le territoire de l'expulsion; la rétention administrative et l'Etat de droit dans la France contemporaine**

Nicolas Fischer, CESDIP, Université de Versailles

Cette communication reviendra sur les Centres de rétention utilisés en France pour l'enfermement des étrangers en instance d'éloignement forcé du territoire. Elle se concentrera particulièrement sur un paradoxe : ces lieux sont à la fois des espaces répressifs policiers, extra-judiciaires et relevant pleinement de l'internement administratif. Ils sont, simultanément, partie intégrante des politiques françaises d'immigration et des dispositifs institués qui s'y rattachent, ce qui suppose que leur organisation inclut des dispositifs (juridiques, médicaux, sociaux) de protection des étrangers enfermés. C'est à ce titre que des juristes appartenant à plusieurs organisations militantes pour la défense des droits des étrangers interviennent depuis 1984 dans les centres de rétention, pour y effectuer une tâche de conseil juridique et potentiellement attaquer les mesures d'éloignement du territoire devant les tribunaux.

A partir d'une enquête ethnographique effectuée dans un centre de rétention, il s'agira de préciser les multiples tensions pratiques engendrées par cette situation, pour préciser le statut paradoxal de la rétention. On commencera par un retour historique décrivant l'institutionnalisation de la rétention et l'inclusion à son fonctionnement de dispositifs protecteurs exigés au nom du respect de « l'Etat de droit ». On décrira ensuite comment l'action des militants associatifs au sein des centres active effectivement ces dispositifs, mais également les limites qu'elle rencontre – dès lors que cette activité militante se doit de respecter les règles de l'institution et de conserver une perspective « légaliste ».

#### **Fighting Human Smuggling or Criminalizing Refugees? Competing Regimes of Justification in and around *R. v. Appulonappa***

Nevena Aksin, Université d'Ottawa

David Moffette, Université d'Ottawa

Following the arrival of the MV Ocean Lady off the coast of British Columbia in 2009, four men were charged of human smuggling under s. 117 of the *Immigration and Refugee Protection Act* for having helped Sri Lankan asylum seekers reach Canada. They were deemed inadmissible to Canada on criminal grounds and their refugee claims rejected. This event occurred around the same time as the debates that led to the passing of Bill C-31, an act that limited refugee protection. The case made its way to the Supreme Court and in 2015 the court ruled in *R. v. Appulonappa* [2015 SCC 59] that s. 117 is too broad, potentially criminalizing humanitarian workers and family members who help transport asylum seekers, and is therefore unconstitutional. The paper draws from moral and pragmatic sociology to study the regimes of justifications (Boltanski & Thévenot 2006) mobilized by various actors involved in, and around, *R. v. Appulonappa* between 2009 and 2015. The paper focuses on three sites of contestation that crystalized around divergent conceptions of fairness, security and protection, discussing how competing regimes of justification were used to advance stakeholder's positions. In doing so, the paper replaces these arguments within the broader historical and political context that renders them intelligible.



## **Les camps d'internement canadiens ou l'économie morale d'un profilage racial et politique**

Sandra Lehalle, Université d'Ottawa

Cette présentation analysera la privation de liberté des étrangers et nationaux de sang étranger pratiquée par le Canada durant les 2 grandes guerres mondiales comme un profilage étatique entrepris en réponse émotionnelle au contexte de guerre. Au moyen d'une étude documentaire historique, nous approfondirons l'économie morale de ces internements institués sur une base ethnique et politique et selon une procédure arbitraire dépourvue d'accusations formelles et de garanties judiciaires. Au cœur de cette économie morale telle que définie par Fassin (2009), nous identifierons notamment le rôle des journaux de l'époque dans la circulation des émotions et valeurs qui sont venus supporter la disqualification de ces amis voisins en « ennemis étrangers ». Nous détaillerons entre autres comment cette médiatisation des émotions a mobilisé les thématiques de dramatisation, évènementialisation, menace à la sociabilité et menace sur l'humanité (Tétu, 2004). Les mots et images diffusés ont en effet servis à produire, encourager et circuler diverses émotions morales négatives (peur, anxiété, incompréhension, colère, méfiance, etc.) qui ont contribué à créer un ordre moral particulier justifiant la mise à l'écart d'individus et communautés perçus comme une menace intérieure. Dans les journaux, ces émotions ont été fusionnées avec les valeurs canadiennes; des valeurs patriotiques de sécurité, protection, justice de la communauté nationale au nom desquelles le sacrifice de la liberté de "certains" fut présenté comme moralement acceptable.

## **Shiprider, Jurisdiction and the Re-Crafting of Canada-US Maritime Border Control**

Anna Pratt, York University

While much has since changed since the time of prohibition, jurisdiction remains a thorny preoccupation for Canadian and American law enforcement particularly in the maritime environment. This paper examines the recently formalized Canada-U.S. Shiprider program, a cross-border maritime enforcement program that effectively removes the international maritime boundary as a barrier to law enforcement so that a Shiprider vessel can now pursue and interdict vessels with 'seamless continuity' across the international maritime border. This radical reconfiguration of jurisdiction disconnects it from sovereign territory and redeploys it as a portable resource that travels through space and time with the 'ship-rider,' governing borders as fluid as the waters being navigated. This is particularly significant in light of Shiprider's operations in unceded Coast Salish territories and in Akwesasne Mohawk territory where bi-national border enforcement strategies, shaped by the crime-security nexus, transect indigenous border nations where local communities continue to contest the divisions imposed by settler boundaries.

## **Militarization of Migration Control in the Mediterranean**

Ozgun Topak, York University

In response to the 2015 global refugee flow, the European Union (EU) further militarized the border controls in the Mediterranean. In addition to the border authorities of the member states and neighboring countries, EU-level and transnational police and military organizations are involved in migration policing, including the European Border and Coast Guard (which replaced the Frontex), the EU Naval Forces, and the NATO. The developments in the Mediterranean demonstrates the validity of the 'war beyond the battlespace' thesis. On the one hand, there is a full-blown war against civilian populations: refugees and migrants. On the other hand, there is the direct involvement of military organizations in policing migration. Rather than the police being simply militarized, military organizations are also changing their mandates to target civilian populations. Militarized border controls contribute to the rising refugee death toll and lead to the violation of the rights of refugees who are stuck in EU neighboring countries such as Libya and Turkey. This paper discusses the theoretical

implications of militarization for migration controls and the consequences of militarized border surveillance for refugees.

## **REPRESENTING JUSTICE IV**

**FSS 5028**

Chair: Michael Mopas, Carleton University

### **Incarcerated Indigenous Women's Storytelling: Challenges and Possibilities**

Isabel Scheuneman Scott, University of Alberta

Indigenous women are the fastest growing segment of the prison population both globally and nationally. Despite Canada's international reputation as multicultural, it continues to have serious social injustices in relation to Indigenous women and the criminal justice system. Racism against Indigenous peoples and other minority groups is institutionalized at all levels of government, media, and the education system – ultimately creating a need for counter-narratives that foster decolonization. As Indigenous women are rarely included in public narratives about their criminalization, it is crucial that their experiences be shared on their own terms and in their own ways so that dominant white-male-preferential narratives may be openly challenged, resisted, and rejected. One traditional Indigenous method of storytelling is through songs and poems. Drawing from critical feminist and Indigenous scholarship, my research will examine how incarcerated Indigenous women express their experiences of criminalization through creative writing and artistic practices. I will elicit stories of criminalization in order to examine if and how they relate to colonization. As I consider incarcerated Indigenous women experts of their own experiences, I will co-analyze their stories with them in order to explore how intersectionality and identity may factor into their criminalization and how they creatively express these experiences. I am interested in how these stories can be used to build understanding, community, and activism within and outside of the prison as well as between those who are inside and outside of its walls. This research will be situated in Edmonton, Alberta where over 50 percent of the prison population is Indigenous.

### **'The Force of Things' in Standard Penalty: (Re)presenting Indigenous Penal Justice in Canada**

Kara Brisson-Boivin, Carleton University

This paper presentation examines the 'force of things' (Bennet 2004) in determinations of standard penalty in Canada, specifically within the context of Indigenous corrections. Canadian penal justice has long been understood as an exemplar of internationally sanctioned standard penal practice said to establish modern, ethical, and humane systems of punishment. Through critical document analysis, interviews, and participant observation my research reveals how penal design and material objects generate controversies over correctional culture, penal expertise, and normative penal practice. The case of Indigenous corrections in Canada demonstrates how a standard machinery of penal government attempts to (re)present Indigenous penalty as non-standard: as risky, dangerous, and unbalanced (meaning too soft or too punitive). Accompanying this presentation will be an art installation providing illustrations of material objects which animate controversies over standard penalty and (re)presentations of Indigenous penal justice in my research. The art installation provides examples of how standard penalty renders objects primarily physical, powerless *things* and mobilizes a colonial re-visioning and denaturalization of centuries old Indigenous cultural practice. I argue that standard (re)presentations of Indigenous penal justice, which flatten any symbolic or cultural meaning objects possess, are a form of post-colonial violence in the highest regard. My research demonstrates how object-oriented analyses of penal justice in Canada reveal how rights and culture are given meaning as well as the institutionalization of inequalities and post-colonial legacies of penal government.

## **Representing Crime and Colonial Harm in "Inner-city" Winnipeg**

Bronwyn Dobchuk-Land, University of Winnipeg

This paper critically examines how crime and colonial harm have been represented in a policy-oriented research about "inner-city" Winnipeg. I argue that a small but influential body of community-based research has become an important site at which some forms of carceral expansion, such as community policing, have come to be understood as "progressive" and "just" in Winnipeg. I illustrate how this research focuses on explaining Indigenous criminality as a legacy of *past* colonial harm, and proposes that imprisonment and improved forms of policing are necessary but not sufficient responses to criminal violence in Indigenous communities in the *present*. This logic co-articulates with Provincial NDP justice policies that have justified unprecedented increases in policing and imprisonment in part by claiming they will benefit the poor and racialized Manitobans most likely to be victimized by crime. In contrast, I use Indigenous theorists and interviews with Indigenous workers in city-center community-based organizations to highlight how policing and imprisonment are experienced as particularly damaging forms of ongoing colonial violence. These contrasting representations of colonial harm point to a disjuncture in the colonial politics of recognition and reconciliation more broadly. In these discourses, non-Indigenous people remove themselves from responsibility for the persistent structures of settler colonial violence by recognizing or apologizing for Canada's colonial past. In the context of Manitoba, the recognition of past colonial harm has become a condition of possibility for the reproduction of colonial violence in the present.

## **The Persistence of the "Dead Indian" in Social Media: Content Analysis of Digital Imagery from the Dakota Access Pipeline Protests**

James Popham, Wilfrid Laurier University

Latasha VanEvery, Wilfrid Laurier University

Imagery dominates the production of knowledge in the era of social media. This premise was poignantly demonstrated during the recent 2016 Presidential Election of the United States of America. While this example is in itself a limit-experience, the general thrust of viral images as memes can be altogether more subtle. To this end this study proposes that recent depictions of protest against the Dakota Access Pipeline orientalise Indigenous peoples in line with the principles set out by Said (1979) and King (2013). Specifically, the researchers investigated multiple iterations of a single photograph that was popularized on the social media platform Reddit. The image in question depicts a single Indigenous man astride a horse staring down a line of police officers behind a makeshift barricade. Content analysis of the titles and most popular commentary used to describe this photograph identified a mythologizing effect that reduced the protest and protestors to a binary good/evil narrative, reinforcing idioms of exoticism or noble savagery. Put bluntly, online discussion of this photograph primarily constructs the "Dead Indian" simulacrum defined by King (2013, p. 53), rather than engaging in the complex politics of Indigenous land rights or the interests of the Standing Rock Sioux Tribe. Disingenuous representations of this manner may reinforce colonial discourses in the public and media, jeopardizing long-term objectives of reconciliation (Clark, 2014).

## **SEX WORK, TRANS WOMEN & CARCERAL SPACES**

**MRT 218**

Chair: Lara Karaian, Carleton University

### **Paradoxical prisoners: Trans figures, punishment, and care in Canadian carceral spaces**

William Hébert, University of Toronto

Existing literature from the United States has identified transphobia and other intersecting forms of oppression as some of the root causes of trans person's over-representation in correctional facilities,

while also denouncing the (mis)treatment of trans prisoners behind bars. In Canada, such considerations of the effects of structural violence on trans person's life chances within society, and of their vulnerability to victimization and neglect within the prison, have inspired a proliferation of responses. Indeed, institutional policies in federal and provincial prisons increasingly target trans prisoners. Numerous legal advocates, NGOs, activists, and service providers also growingly attempt to respond to the needs of justice-involved trans persons. Through these projects emerge overlapping, and at times conflicting, imaginings of who trans inmates are or must be. As the multi-sited anthropological ethnographic fieldwork I am conducting across Canada reveals, currently and formerly incarcerated trans people however rarely conform to state and civil society actors' idealized representations. My research shows that trans prisoners are paradoxical figures, at once embodying the subject position of "offender" and of potential, or actual, "victim". Their lives in prison and through other carceral spaces expose a constitutive contradiction in Canadian penal policy – between the inevitability of punishment and the responsibility to care. I argue that the everyday realities of criminalized trans people therefore test the limits of Canadian liberal moral commitments.

### **Trans Specific: Trans Women's Experiences in Sex Work**

Leon Laidlaw, University of Ottawa

When not invisibilized in society, transgender women are subject to stigma and transphobia in the social sphere that accounts for inaccurate and harmful representations of the community. But further, institutional oppressions often foster unemployment and homelessness among the population and produce barriers to accessing important medical and social services. In light of these injustices, transgender women may find employment and a sense of community in the sex industry; however, working in the industry while facing cisnormative societal assumptions results in distinct experiences and labour practices for trans women and those most marginalized in the industry, working at street-level, are primary targets of police intervention and criminalization. While sex work has long been a topic of scholarly investigation, the unique lived experiences of transgender women working in the sex industry remains vastly underexplored, especially in the Canadian context. Despite the fact that trans women have long ties to the sex work community and have been prominent in activism predating Stonewall, their voices remain largely unheard in academia and historical retellings. Seeking to produce a socially just representation of the community, this research considers: In what ways does one's transgender identity impact their experiences selling sex? How is one's transgender identity accommodated by institutional policies and procedures? And what is needed for the population to be afforded their legal rights and protections?

### **From nuisance to victim: Re-imagining sex worker subjectivity through affective attachments to victimhood**

Marcus A. Sibley, Carleton University

Following the Supreme Court of Canada's decision to strike down provisions related to the criminalization of sex work, the former Conservative government passed Bill C-36, the *Protection of Communities and Exploited Persons Act (PCEPA)*, effectively re-criminalizing sex work that aims penal sanctions at clients rather than sex workers themselves. Building on Anna Carline's (2012) discussion of politicized sex worker subjectivities, I too draw on Judith Butler's (2009) notion of "framing the frame" to map the ways in which discourses around sex work re-orient sex workers around notions of vulnerability and victimhood. Using testimony from the Bill C-36 House of Commons and Senate Committee hearings, I argue that both official state actors and sex work abolitionists externalize the risks of the sex trade in ways that situate the sex worker as the 'prostituted' and 'trafficked' subject—passively exposed to the inherent features of violence and exploitation.

Theorizing this reorientation from criminal nuisance to victim, I engage with critical victimology and affect studies to explore the ways the sex worker subjectivity is constituted through fantasies of risk. In doing so, I suggest that the politics of emotion, especially those oriented around pity and suffering, create new sets of attachments towards the sex worker subject aimed at reifying victimhood and deemphasizing criminality. In doing so, these narratives of violence and exploitation effectively (and affectively) re-orient the sex worker subject position as reliant on criminal justice intervention, thus legitimating a new kind of punitive framework that seeks to 'protect' sex workers and communities from the violence and exploitation of the sex trade.

### **Between Asylum and Exile: The 'Double Punishment' of Migrant Trans Women**

*Nora Butler Burke, Concordia University*

Over the past 20 years, researchers and activists alike have highlighted the role of state violence, administrative erasure and criminalization in driving the precarity and social exclusion of many trans women. The experiences of migrant trans women who sell sex, however, have been historically relegated to epidemiological studies on HIV, wherein the impacts of state institutions and the law are commonly addressed as merely circumstantial to health outcomes. This paper aims to move beyond this common framing, and to resituate migrant trans women's lives in relation to criminal and immigration law enforcement.

Drawing on frontline work, activism and research, this paper addresses immigration penalty as a central factor in coordinating and regulating the everyday realities of migrant trans women sex workers living in Canada. Immigration penalty generally refers to multiple processes wherein non-citizens convicted of criminal charges may be subjected to further punishment due to their immigration status. Immigration proceedings can result in the stripping of permanent residency, detention, and removal from Canada. For migrant trans women who sell sex, this 'double punishment' is often a result of criminal convictions related to sex work, drug use and self-defense.

By means of qualitative interviews with 7 migrant trans women sex workers, and a critical study of legal texts obtained through Privacy Act requests, I address the role of 'double punishment' in governing the distribution of trans women's life chances, and in doing so, aim to illuminate the organization and regulation of migrant trans women's lives through the criminal law and border controls, and to explore survival and resistance strategies employed by migrant trans women living under these conditions.

### **"It's a puzzle you have to do every night": Performing creative problem solving at work in the sex industry**

Menaka Raguparan, Carleton University

Tuulia Law, University of Ottawa

Drawing from 55 qualitative interviews with female presenting sex workers, this presentation will explore the creative problem solving strategies and practices of women working in various sectors of the sex industry, including strip clubs, erotic massage, escorting, street-based work, web-camming, fetish and pornography. In the context of workplace performance expectations, racist and sexist micro-aggressions, and interactions with customers, sex workers enact situation-specific strategies. These solutions, which we refer to as creative problem solving, attend to multiple, overlapping concerns, including profit maximization and security. They do this through carefully calculated performances of gender, race and class that are suited to both the specific situation and their occupational goals and brand. We make sense of these creative problem solving strategies through a theoretical framework combining Goffman's dramaturgical perspective with Puar's concept of intersectional assemblage, highlighting the political dynamics informing these practices that may otherwise be taken for granted or go unnoticed. While Goffman provides a lens through which to highlight occupational performances, Puar's intersectional assemblage allows us to produce a road map to understand the complexities of the

relations between lived experiences and articulations of such performances. Through this lens we see that, rather than capitulating to customer demands or blindly following gendered and sexual scripts, sex workers are creatively capitalizing on their gendered, raced, and classed performances by being, as one participant put it, “a bit of a chameleon.”

## **RACIALIZATION, SECURITY, ‘RADICALIZATION’ & ‘TERROR’**

**FSS 2001**

Chair: Maseeh Haseeb, Queen’s University

### **“No Fly Lists, National Security, Citizenship and Race”: The Experiences of Canadian Muslims with the Passenger Protect List**

Baljit Nagra, University of Ottawa

In this article, I report the results of a year-long study, in which I investigated the response of Muslim Canadians to the Passenger Protect List by interviewing 95 Muslim Community Leaders living in five major Canadian cities. My findings suggest that Muslim citizens’ main concerns with the PPL are three-fold: they believe that the list targets and thereby restricts the mobility rights of Canadian Muslims; they believe that it stigmatizes and undermines the rights of Canadian Muslims; and finally they believe that its operation in secrecy works to further undermine the citizenship of Canadian Muslims. Ultimately, the impact of the PPL in Canada is both legal and symbolic: Muslim citizens’ rights are compromised and Muslim citizens are stigmatized as dangerous and thereby portrayed as meriting the rights restrictions to which they are subject.

### **Sécurité ? Des représentations sur « les jeunes de banlieue » aux représentations des jeunes**

Rita Carlos, Université Paris-Saclay/CESDIP

Au cours de l’année 2016, la France a vu son paysage social profondément bouleversé.

Au printemps, des millions de personnes manifestent contre la loi Travail. Les défilés laissent entrevoir de nombreux affrontements entre les forces de l’ordre et les manifestants. Un nouveau slogan apparaît : « tout le monde déteste la police ». A l’été, la mort d’Adama Traoré aux mains de la police, en banlieue parisienne, relance dans l’espace public la question des violences policières. Ce décès met en lumière les tensions entre les représentants de l’État et les habitants des quartiers populaires. A l’automne, après avoir subi une attaque au cocktail molotov, des policiers protestent illégalement dans la rue contre une justice trop laxiste et pour l’obtention de nouveaux pouvoirs. A l’hiver, la prolongation de l’État d’urgence - pour la 5ème fois depuis les attentats de novembre 2015 - maintient la mise en place d’un État d’exception.

L’état d’urgence tire ses racines au sein de l’ordre colonial. Les cibles premières de l’intensification du contrôle social demeurent les habitants issus des quartiers populaires et de l’immigration post-coloniale. Leurs points de vue sont rarement représentés dans la sphère politique. Ce documentaire audio réalisé en 2011, réunit les analyses de « « jeunes de banlieue » sur les violences sécuritaires ordinaires, du quartier au commissariat en passant par le tribunal jusqu’à la prison. La musique et la rue reprennent leurs droits et questionnent la légitimité de la violence de l’Etat, des réponses à celles ci et des formes qu’elles peuvent prendre.

### **Security ? From the Representations of the « Suburban Youth » to the Representations by the Youth**

Over the course of 2016, France has seen its social landscape profoundly disrupted. In the Springtime, millions of people protested against the Labour Law. The marches revealed clashes between law enforcement and demonstrators. A new slogan is emerged: "Everyone hates the police." In the Summer,

the death of Adama Traoré at the hands of police in the Parisian suburbs, reignited the debate in the public space over police violence. His death highlighted the tensions between the police, acting as representatives of the State, and the inhabitants of working-class neighborhoods. In the Autumn, following an attack on police by a Molotov cocktail, thousands of law enforcement officers illegally took the streets to protest what they perceive as a lax justice system, and to appeal for more power and authority. By Winter, the extension of the state of emergency, renewed for the fifth time since the attacks of November 2015, has established a continued state of exception.

The state of emergency has its roots in the colonial order. The first population to be targeted by the intensification of social control continue to be people from lower-income neighborhoods and post-colonial immigration. Their views are seldom represented in the political sphere. This audio documentary, created in 2011, brings together the analyses of “suburban youth” on every day violence in the name of security, from the police station to the court to the prison. Their words question the legitimacy of State violence, its response and their various forms.

### **The Interaction between Socioeconomic Support and Counterradicalization Policy: A Quantitative Study**

Fahad Ahmad, Carleton University

Motivated by a desire to curb “homegrown” terrorism, Canada and other governments have launched counter-radicalization (CR) policies, which involve using community organizations for building relations with immigrant Muslim communities. Existing CR policies claim to be community-centered, yet are criticized for their heavy-handed use of legislative powers, excessive policing and use of “cimmigration” law, profiling an entire community, and interfering with the important economic and social support that community organizations provide (Pantazis and Pemberton 2009). However, policies that encourage the inclusiveness of Muslim immigrants by providing social and economic support, such as strong multiculturalism, anti-discrimination, and economic inclusion are theorized to be more effective against domestic terrorism (Piazza 2011). My paper is a part of broader research that addresses the relationship between community organizations that provide social and economic support to Muslims *and* CR policies. It presents a quantitative panel data (time-series, cross-country) analysis across OECD countries that examines the relationship between socio-economic support for Muslim immigrants and radicalization since year 2000.

This study is an improvement over previous work as it is informed by qualitative case studies and focuses on the dynamics in immigrant receiving OECD nations across time. I add to the scholarship by examining: a) “social support” provided by community organizations b) “social cohesion”, as an outcome of the work of community organizations and c) “legal environment”, which includes immigration and citizenship laws, as well as, anti-discrimination and accommodation rights. My research seeks to make critical contributions to security policy, criminology, multiculturalism, and scholarship on Muslim alienation.

### **Making Terrorism: Security Practices and the Production of Terror Activities in Canada**

Yavar Hameed, Carleton University

Jeffrey Monaghan, Carleton University

It was over 35 years ago when Richard Ericson published his seminar socio-legal text *Making Crime*, which provides a vivid account of the discretionary powers of detective practices in the ‘making’ of crime. As Ericson suggested, “Based on the information work he has done, the detective decides whether the case can be made into a ‘crime’; and, if he has a suspect, whether the suspect can be made

into a 'criminal'." In this chapter, we apply Ericson's work to contemporary socio-legal imaginaries associated with the 'war on terror,' and crime-making dynamics that are embedded with preconceptions of menacing Islam. Exploring how the *Anti-terrorism Act* produces a terrain of criminal liability under S.81 of the Criminal Code for what are termed "terrorist activities," we explore how criminal justice practices in Canada have – to re-appropriate Ericson's wording – decided what cases can be made into 'terrorism,' and, once a suspect has been identified, make that suspect into a 'terrorist.'

Our chapter is framed in an overview of the legal production of "terrorism activities" in the Criminal Code, followed by a brief overview of anti-terrorism prosecutions in Canada – all against persons whom (at most) have held aspirational plans. Following Ericson's conclusions on police discretion – that "... [the police] believe the ends justify the means, and their practices reflect this belief" – we detail various aspects of *ATA* cases that illustrate how the practices of security agencies have engaged in making terrorism. Through an analysis of court submissions, case judgements, media coverage, and contemporary legal scholarship, we focus on three fields of practice: infiltration and extensive surveillance (a police practice), inflation and exaggeration of threats through public relations strategies (a communication practice), and the mobilization of moral blameworthiness in sentencing proceedings (a juridical practice). As a contribution to critical socio-legal scholarship on policing and security, we underline that these fields are interactive and function self-referentially to produce terrorism cases as a special type of criminality, where the terrorists (and the public) are deserving (and desiring) of the exceptionalisms that animate the contemporary practices of making terrorism.

### **Evolving Conceptions of Terror and the Future of Privacy in Canada**

Robert Diab, Thompson Rivers University

From 9/11 onward, counterterror law has been informed by and justified in light of distinct conceptions of terrorism. The model of Al Qaeda as a globally dispersed organization operating in the form of cells acting upon limited information was reflected in the structure of the facilitation of terrorism and money laundering offences, among others. An evolving conception of terrorism involving lone wolves, radical imams, and influence on the part of ISIS informs the Liberal government's fall green paper setting out proposed powers of search in the digital realm, including powers to compel passwords, to force ISPs to install interception technologies, and to retain and divulge Internet activity. This paper explores aspects of Canada's privacy law as a basis for assessing the way that evolving conceptions of terrorism invoked in the green paper and in current government rhetoric may be received by the courts, with the possibility of a significant erosion of privacy in Canada.



## Sessions G

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### FICTION, ICONOGRAPHY & JUSTICE / FICTION, ICONOGRAPHIE ET JUSTICE

FSS 4004

#### Simultaneous translation / traduction simultanée

Chair / présidente : David Moffette, Université d'Ottawa

#### Enfermés à l'écran : Une étude des représentations cinématographiques de l'expérience carcérale

Dan Kaminski, Université Catholique de Louvain

Parmi les représentations visuelles de la justice, celles qui concernent la prison foisonnent. Elles interrogent la justice pénale, par le biais de l'expérience carcérale. Une sélection de 4 films (*Birdman*, *Shawshank Redemption*, *American History X* et *Hunger*) emblématiques du genre, servira de support d'analyse de l'épreuve que constitue l'emprisonnement et, en particulier, des blessures que subit leur héros détenu. Seront d'abord traitées l'origine et la nature de ces blessures telles qu'elles apparaissent à l'écran. Ensuite, on s'attachera aux réactions que les détenus « opposent » à ces épreuves. Enfin, à partir de cette double représentation – épreuve et réaction à l'épreuve –, on observera, toujours à partir de l'échantillon, la contribution du cinéma à la justification ou à la critique de l'institution carcérale.

#### Faire des femmes jugées un objet d'histoire populaire :

##### **l'exposition *Présumées coupables* (Paris, 2016-2017)**

Fanny Bugnon, Université Rennes 2

Comment restituer la parole des femmes jugées en France depuis le XIV<sup>e</sup> siècle ? Comment rendre accessibles des documents de procédure, illisibles pour la plupart d'entre eux en raison des difficultés paléographiques et linguistiques (latin, dialectes européens) ? Comment rendre compte du fonctionnement d'une justice pénale masculine jugeant des femmes à travers les siècles ?

C'est à ces interrogations que les Archives nationales de France ont voulu répondre en proposant l'exposition *Présumées coupables* (Paris, 30 novembre 2016-27 mars 2017). A partir de mon expérience de commissaire de cette exposition, cette communication propose de rendre compte de sa genèse et des partis pris historiographiques et muséographiques autour de cinq archétypes de femmes criminelles : la sorcière, l'empoisonneuse, l'infanticide, la pétroleuse et la traîtresse à la patrie. Donnant à voir au public plus de 320 procès-verbaux et pièces de procédure, elle propose aux visiteurs de saisir les formes d'exercice de la justice envers celles dont la présence à la barre des accusés est déjà perçue comme une forme de culpabilité (d'où le titre de l'exposition).

A ces mots restitués au cours de la procédure pénale de femmes célèbres ou d'illustres inconnues s'ajoute un environnement iconographique foisonnant permettant de saisir le poids des imaginaires sociaux autour du crime au féminin, des stéréotypes et les boucles référentielles mobilisés pour penser la déviance des femmes (estampe, livre, presse, photographie, dessin, cinéma). En cela, cette exposition propose de confronter archives judiciaires et représentations sociales de la femme dangereuse dans une perspective de régulation sociale.

#### Repetition, the Unexpected and Recognition in *Moon*

Diana Young, Carleton University

In this paper I will consider the relationship between subjectivity, recognition and justice-seeking in Duncan Jones' film *Moon* (2009). I argue first that the treatment of artificial life in *Moon* offers an illustration of some theorists' attenuated concept of agency. Judith Butler, for example, suggests that it is only through the reproduction of norms that the subject becomes intelligible, and is thus able to act in the world. However, novelty is still a possibility as norms can be reproduced in unexpected ways. For

Butler, this possibility exists in part because the norm always leaves a remainder – the unknowable that nonetheless is capable of producing effects.

*Moon* deals with these themes of repetition, agency and unpredictability through the plot device of clones – artificial life forms reproduced from DNA harvested from a man named Sam Bell – that, despite their programming, contain an element of apparent randomness. This element of randomness not only produces unexpected outcomes but might also be an indicator of consciousness. On the other hand, randomness may be produced by the agency of things as they become associated with different assemblages. However, whether unexpected outcomes demonstrate conscious subjectivity or only its appearance, it is this element of the unexpected that creates the consciousness of injustice. In particular, this element causes the Sam Bell clones to recognize themselves in another. It is this act of recognition that gives rise to possibilities for action.

### **Modes de régulation et justice dans les romans**

Françoise Vanhamme, Université d'Ottawa

La communication s'intéresse aux modes de régulation mobilisés par les gens, face aux torts qu'ils éprouvent dans leur vie quotidienne. Son objectif est de comprendre les variations dans ces modes, qu'ils soient formels ou informels, dans le fil de l'histoire des rapports sociaux et du développement de l'État nation moderne, ainsi que celles de leur poids respectif. C'est en effet dans le processus de centralisation de l'État nation moderne que l'État aurait progressivement monopolisé la gestion des échanges sociaux et la violence légitime, notamment par la voie de l'institution de justice. Les modes informels de régulation se seraient ainsi progressivement retirés, laissant une place prépondérante à la régulation formelle. Trois contextes sociohistoriques ont été sélectionnés : celles 1) du développement du système pénal (2<sup>ème</sup> moitié du XIX<sup>ème</sup> siècle); 2) de l'apogée de l'État social (années 1960); et 3) de la période actuelle.

La communication se basera sur l'examen d'une vingtaine de romans. Dans une approche inspirée de l'ethnométhodologie, le romancier est appréhendé comme membre d'un groupe social situé dans un contexte qui contribue à former leur vision du monde. Il raisonne ainsi dans les limites des schèmes de raisonnement de ce groupe social situé et en écrivant, il actualise ces schèmes socialement et historiquement ancrés qui peuvent donc être mis à jour. Dit autrement, le roman peut ainsi devenir un témoin de ce qui est pensable dans un contexte spécifique – et admissible par le lecteur.

### **THEORETICAL ENGAGEMENTS**

**FSS 5028**

Chair: Jon Frauley, University of Ottawa

### **Tuning In: Making the Case for an 'Aural' Criminology**

Michael Mopas, Carleton University

This paper makes the case for the development of an 'aural criminology' that examines how the sounds we hear (or fail to hear) shape our understandings and responses to crime, and the ways in which sounds are mobilized to govern specific populations, spaces, and things. This focus on sound and listening will open up new sites of inquiry and provide an alternative epistemological framework for studying a variety of topics. The paper begins with a brief overview of Sound Studies and discusses what criminology can gain from adopting some of the key insights from this field. A number of examples of how an appreciation for sound and listening can contribute to existing bodies of criminological and socio-legal research are presented.

## **Can there be a Feminist Visual Criminology? Representational Politics, Injury, and Victimhood**

Rita Shah, Elizabethtown College

Kathryn Henne, University of Waterloo / The Australian National University

This paper considers the prospect of a feminist visual criminology, drawing upon feminist, visual, and criminological studies. Beginning with early questions about the possibility of a feminist ethnography, which anthropologists Lila Abu-Lughod and Judith Stacey raised in the late 1980s, our analysis builds upon longstanding feminist concerns around power and representation. We consider their deliberations alongside an argument put forth by Alison Young over 20 years ago: that written, pictorial, and linguistic devices profoundly shape how we come to understand—or, to use her words, “imagine”—crime. Here, we aim to illuminate three interrelated issues: (1) how feminist ruminations about power and representation might benefit visual criminological analysis; 2) how visual methodological conversations about ethics and representation may inform feminist criminological analysis; and (3) possible irreconcilable differences between these projects. To illustrate them, we present some of the challenges of an ongoing case study of “invisible injuries” sustained by survivors of family violence. In this case, the most prominent invisible injury that advocates, legal representatives, medical experts, and survivors attempt to see is brain trauma. The case demonstrates how interpretations of visualizations serve as evidence of the injury, victimization, and longstanding effects on survivors’ health and well-being. Such efforts to pursue justice, we argue, exemplify challenges of doing feminist visual criminology—namely, the tensions of expertise, context, agency, and voice in relation to representation. We conclude with a preliminary discussion of the advantages and disadvantages of these well-intended efforts and how they parallel dilemmas of pursuing a feminist visual criminology.

## **Carry On Panicking**

Nicolas Carrier, Carleton University

Very few concepts in the social sciences have an extra-academic career as successful as that of the concept of moral panic. Its use is unremarkable if not commonplace within contemporary public communications, with, for instance, the mass media condemning the moral panic stimulated by the mass media. In the social sciences, the relentless multiplication of empirical studies on moral panics takes place alongside redundant critiques denying the concept any sociological value. Moral panics scholars (such as Dandoy, Critcher, Hier, Rohlf and Wright) have tried to salvage the concept by locating it in three different theoretical spaces: Foucaultian, Eliasian and Bourdieusian. This paper examines these recent attempts to make sure that moral panic is not merely a debunking tool but one that can contribute to our understandings of the politics of morality.

## **Juxtaposition of Beccaria’s (1767) and Katz’s (1988) Criminological Frameworks**

Brittany R. Powers, University of Windsor

The paper will explore two prominent theoretical understandings of criminality, the associated latent agents of control, and the accompanying plausible rationale for abstaining from criminality. First, the theoretical frameworks of Cesare Beccaria (1767) and Jack Katz (1988) will both be examined from a contemporary analytical perspective. Beccaria assumes that humans possess the power of rational thought and understands the law as a function of utilitarian ideal. Beccaria’s understanding of criminality has been paralleled Hobbes’ (1651) philosophical understanding and Durkheim’s (1938) social facts. Katz explores the phenomenological factors that contribute to affording opportunity and seduction toward criminal engagement. Within Katz’s work the evident hedonistic seduction towards crime that will be extended to Goffredson and Hirschi’s (1990) general theory of crime and social control. Second, Beccaria’s and Katz’s frameworks will not be seen as dimorphic but instead this paper will examine the mutual intersectionality. Both works present unique idiosyncratic transcending processes that will be examined. Beccaria proposes that individuals are capable of transcending barbaric

insists to adhere and enter into a unified social contract. While, Katz put forwards transcending as a seductive process towards persistent criminal engagement. The relevant agents of control within each framework will also be examined and grounded in an example of sneaky trills. Lastly, Beccaria discusses reasoning for how deterrence manifests itself within the social to prevent many from engaging in criminal activities; Katz work lacks any relevant consideration. Therefore, theoretical implications on crime prevention will be synthesized and explored for plausible rational for abstaining in criminality.

## **CONTEMPORARY CRIMINOLOGICAL ISSUES II**

**MRT 218**

Chair: Kara Brisson-Boivin, Carleton University

### **Working in violence: Moral experiences and perceptions of paramilitaries in Colombia**

Gabriela Manrique Rueda, University of Montreal

This article analyzes the division of work in the paramilitary group *Heroes of Montes de Maria* in Colombia according to the experiences and perceptions of former members of the organization, focusing on the role of morality at play in their work. Paramilitary violence in the region of Montes de Maria was a mechanism of social control through punishment of behavior regarded as deviant, enabling domination. Through an analysis of the paramilitaries' acts of violence, I argue that these para-state agents of social control embody the moral authority to inflict punishment. I show that violence is a bodily experience of enjoying power. There is, however, a division of labor in the group that is facilitated by members' moral experiences and perceptions.

### **Self Defence is No Offence: Resisting Racialization and Criminalization of Muslims in Neoliberal Britain**

Waqas Tufail, Leeds Beckett University

This paper presents findings from an on-going study exploring the context and aftermath of the 'grooming' scandals that came to dominate headlines in the popular press. The 'grooming' scandals referred to revelations that groups of men had been sexually abusing scores of young girls in several towns in the UK. The subsequent discourse racialized South Asian men and held the culture of Muslim communities in particular to be the main cause.

Following the emergence of the 'grooming' scandal, violent anti-Muslim racism has taken place on a regular basis in the towns affected. In Rotherham, an 81-year old Muslim grandfather was beaten and stamped to death by two white men who repeatedly referred to him as a 'groomer' during the assault. Over a dozen far-right demonstrations have taken place in Rotherham since news of the scandal broke. Multiple interviewees have spoken of the town being 'under siege' from organised fascists. Muslim communities within Rotherham unanimously agreed to boycott South Yorkshire police for not taking racist attacks against Muslims seriously and a national defence campaign was launched to have charges dropped against 12 local Muslim men charged with serious offences after responding to repeated instances of far-right provocation.

This paper demonstrates how Muslim communities within Rotherham organised to challenge the far-right, racist policing and the inaction of local liberal elites. Using the events in Rotherham as a case study, this paper presents an in-depth, localised analysis of racial neoliberalism in Britain today where race, class, gender and anti-Muslim racism intertwine.

### **Extradition Law in Canada: A Failure of Justice? The Case of Hassan Diab**

Maeve McMahon, Carleton University

Canada takes pride in its reputation for promoting and protecting human rights. But closer examination of some legal practices casts a shadow on this stellar reputation. In this presentation I will provide an examination of extradition law as applied in the case of Hassan Diab. Hassan Diab (a sociology lecturer at Carleton University and the University of Ottawa) was originally arrested in November 2008 in connection with the bombing of a synagogue in Paris in 1980. The bombing resulted in four deaths, and injuries to about forty other people. Following protracted legal proceedings, the Supreme Court of Canada declined to hear his case, and Hassan Diab was extradited to France in November 2014. Hassan Diab is currently incarcerated at the Fleury-Merogis prison near Paris. As of January 2017, Hassan Diab has endured over 2 years of incarceration in prison in France, and it is still not clear if he is actually going to be put on trial. From the outset Hassan Diab condemned the attack and proclaimed his innocence. He believes he is a victim of mistaken identity. I will provide a brief overview of the case. More generally at issue is the situation of extradition law in Canada, and especially how the emphasis on diplomacy and the principle of 'comity' serve to undermine individual human rights. My presentation will focus on how reforms to extradition law (as reflected in the *Extradition Act* of 1999) involved a lowering of standards of evidence that arguably facilitate wrongful accusations, and possibly convictions.

### **Expanded Use of Jailing in the Age of Mass Incarceration: Evidence from New York's Federated Carceral State**

Andrew J. Pragacz, Binghamton University

Jails are an understudied part of the criminal process system in the United States. In contrast to state and federal prisons, jails are generally populated and operated by residents of geographically small entities, like cities or jails. The local character of jails discourages academic research, especially in out-lying, rural areas. With jails directly incarcerating three to four times as many people as prisons annually, however, they are critical sites for contesting mass incarceration. The US is not a unified carceral state, but a *federated* carceral state, that operates through complex interactions "between" its various layers of government (i.e., local, county, state, and federal). This paper examines upstate New York's unevenly expanding use of jailing. While upstate New York as a whole jails more today (2017) than twenty years ago, the upstate jail population is driven by the depopulating small cities and rural areas of the state. This is in sharp contrast to the War on Drugs era, during which cities the most active incarcerators. Using the federated carceral state framework, I point to three interrelated processes driving the jail incarceration population upwards, namely the rollback of the punitive Rockefeller Drugs Laws, New York's unique system of overseeing carceral institutions, and the expansion of federal policing power post-9/11. More recently, a renewed War on Drugs based in rural places has contributed to expanded jail incarceration. Urban centers, meanwhile, have opted for alternative political strategies to manage crime and the so-called heroin "epidemic."

### **CONTEMPORARY CRIMINOLOGICAL ISSUES III**

**FSS 2001**

Chair: Scott Thompson, Queen's University

### **Three Frameworks for Theorizing Freedom of Information Processes**

Alex Luscombe, University of Winnipeg

Kevin Walby, University of Winnipeg

This article explores questions of how to conceptualize freedom of information (FOI) processes and how FOI relates to broader themes and issues of state power. Today FOI law is an increasingly popular

method of social research and subject of socio-legal scholarship. One limitation of this growing literature on FOI is the lack of attention to broader theoretical issues that FOI processes raise. Drawing from the sociology of secrecy, socio-legal studies, and social studies of science, we offer three frameworks to guide future contributions in this area. First, we conceive of FOI as a mechanism for liberal obfuscation of state secrecy. Second, we conceive of FOI as a crucial component in the “live archive.” Third, we conceive of FOI as a practice of “feral law,” which we distinguish from secluded or professional law. In conclusion, we reflect on what these theoretical approaches and tools add to Canadian criminal justice and socio-legal literature on the politics of information, state power, and research methods.

### **Suspicion in the Making in Canada:**

#### **Questioning everyday policing against ‘dirty money’**

*Anthony Amicelle, Université de Montréal*

In light of the metaphorical language at the core of intelligence and security discourses, the detection of money laundering and terrorist financing has become ‘the ultimate search for the needle in the haystack’. In this context, suspicious transactions reports are at the heart of financial policing. As the main operators of financial transactions, banking actors are the producers of suspicion *par excellence* in relation to ‘dirty money’. Drawing on empirical research in Canada, the communication aims at questioning the qualification process of suspiciousness at the basis of everyday policing of financial conduct. Following the premise that suspicion is less an event than a process, the communication contributes to the critical understanding of the ‘suspicion in the making’.

### **The Grammar of (Governing) Death:**

#### **Physician-Assisted Death in the Canadian Juridico-Political Context**

Garrett Lecoq, Carleton University

What does death mean and to whom? Should one follow Dylan Thomas’ (1951) instructions to “rage, rage against the dying of the light” or does William Shakespeare’s (1996) Hamlet have it right when pondering if he should take arms against his sea of troubles by ending his life? While undoubtedly more complex than this simplified polemic suggests, the broader conception of death has shifted in Canada with the Supreme Court of Canada’s decision in *Carter v. Canada (Attorney General)*, 2015 SCC 5, [2015] 1 S.C.R. 331 and the royal assent of Bill C-14 2016, allowing terminal patients intolerably suffering from serious medical conditions the aid of a physician in ending their lives. Taking this complicated subject matter as the core of this paper, what follows is an investigation into the phenomenon of death and its consequences, particularly as it has developed in the Canadian juridico-political discourse by allowing certain individuals a physician-assisted death while excluding others. Analyzing the grammar of death in this discursive fashion reveals how, while beneficial for some, the decriminalization and regulation of physician-assisted death in Canada has broader perlocutionary social ramifications not only for those excluded from actualizing this right, but by including a certain group into the realm of rights more broadly. In doing so this paper illustrates how law exists beyond a simple binary of inclusion/exclusion that simultaneously legitimates/is legitimated by non-legal forms of governance.

### **Murder Cases in the Media: An Analysis of Key Cases and Social Justice Issues**

Thomas Fleming, Wilfrid Laurier University

Patricia O’Reilly, Wilfrid Laurier University

Depictions of crime and justice are regular features of news media. Violent crime is over-represented (Dowler, 2003; Dowler, Fleming and Muzzatti, 2006) particularly murder cases (Fleming, Dowler and Antonowicz, 2017, forthcoming). Violent crime provides media consumers with “edutainment” (Surette, 2014) and corporations profit enormously from the transformation of heinous and distressing crimes for viewer consumption. This paper examines the media trajectory of cases of stranger abduction and

murder of children in Canada. The extremely rare occurrence of this type of crime elicits considerable media attention in a wide variety of formats. Immediate, parallel and follow-up reports on the cases are examined to provide an analysis of the social justice concerns that such coverage raises. The issues of the utility or lack thereof of the media in assisting police services with investigations, the exploitation of such cases for edutainment, the misappropriation of portions of the case as a call for law reform, and the impact of reportage on public perceptions of both offenders and victims is explored. The aim of the paper is to develop a social justice framework for the reporting of cases of child murder which are respectful of victims, their families, secondary victims and the community which avoid exploitation of violence for profit (Fleming, 1993). Further, the issue of 'bad' law and police practice emerging from exploitation of this form of case is explored.

### **Legal Indoctrination and Assumptions of Belonging in Law School**

Sydney Lang, McGill University

At the beginning of my first criminal justice lecture, my professor divided our class in two. One side was asked to imagine what it would like to be a victim of a criminal offence; the other was told to pretend as if they were an offender. I laughed out loud at the irony as I sat and listened to my classmates talk about what they thought it would be like to be a victim, while I disassociated to avoid the oncoming flashbacks.

When did my victimhood turn me into an anecdote used in class? When did my life become a problem or a case I would be assigned to solve? Why do they speak about me as if I'm not in the classroom?

As I would soon find out, this would be one of the many times where I would feel misrepresented, erased, and depoliticized within my law school classrooms. Through grappling with the tensions between my identity as a law student and that as a victim, I have found that there are several assumptions that underlie a legal education; they are grounded in the idea that certain types of people attend law school and other types of people do not. In doing so, the institution simultaneously creates a law student.

I will argue that law school is not solely a process of formal education, but also one of identity erasure, maintenance, and creation. Through intentional pedagogical choices, the institution engages in processes of othering, elitism, and the perpetuation of an unjust justice system.

This paper will be grounded in feminist, anti-colonial, and anti-racist theory and will explore the intersections of oppression and identity erasure experienced in law school (based on reflections of my own experiences, conversations with my peers, and academic literature on law school, education and social justice, and equity studies).

## Session H

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### YOUTH & CRIMINALIZATION / JEUNES ET CRIMINALISATION

FSS 4004

Simultaneous translation /  
traduction simultanée

Chair / présidente: Sandra Lehalle, Université d'Ottawa

#### **“The Usual Suspects”: Exploring homeless youths’ experiences with law enforcement in the City of Ottawa**

Cora MacDonald, Carleton University

Young people, and specifically ‘homeless youth’ continue to be constructed as problems in need of management, especially within institutions and by adults in positions of power, like the police. There is considerable research exploring the criminalization of homelessness in Canadian cities, yet scant research attention has been devoted to exploring homeless youth’s experiences with police. Focusing on the cultural narratives associated with young people and specifically homeless youth, this study prioritizes the experiences of participants themselves to examine whether their experiences with law enforcement reveal discretionary and exclusionary practices. Using a phenomenological design, the study’s analysis is informed by focus groups and walking interviews conducted with homeless youth between the ages of 16 and 25 who utilize services at a drop-in-centre in Ottawa. The analysis reveals that as a population who face intersecting identities as homeless, an ‘undesirable’ group in society, and young people, a group who is known to take ‘risks’, participants face inordinate police attention based on their image as the perpetrators of crime, not the subjects of the rule of law. This study adds to knowledge of how homeless youth understand themselves in relation to the police as well as how their experiences with police shape the affective intensities that inform their ways of thinking, being and doing in everyday life.

#### **Representing homelessness: Reinforcing and resisting myths about homelessness in Canada**

Erin Dej, York University

This research is an inquiry into how homeless people’s images and stories are used in public awareness campaigns and promotional material, including websites and grey literature, for not-for-profit organizations. There are few representations of homelessness in the broad public discourse with not-for-profit organization occupying a unique space to contribute to the conversation on what homelessness is and how it is experienced. Some organizations use this opportunity to create a counter-narrative to the stereotypes of homeless men and women as weak, vulnerable, and inherently marginal; however, in many cases organizations perpetuate these myths in an effort to drum up sympathy from existing and potential donors. Analyzing the images and stories chosen by not-for-profits, the tone of the material, how they are positioned spatially, and how they relate to the overall message of the campaign and/or organization, I critically investigate how messages on homelessness meant for public consumption take shape and who has the power to influence these discourses. This line of inquiry evokes questions regarding the power dynamics between not-for-profit organizations and homeless men and women. In cases where the requesting organization acts as the service provider for provisions such as shelter, food, clothing, health care access, and other social services, it begs the question what autonomy homeless individuals have to reject, resist, or negotiate use of their image/story.



### **La judiciarisation de l'itinérance à Val d'or**

Céline Bellot, Université de Montréal

La question de la judiciarisation de l'itinérance se pose dans différentes villes canadiennes depuis de nombreuses années en raison des pratiques de tolérance zéro qui ont été mises en place. Pourtant, il est aussi apparu que ces pratiques étaient contreproductives, inefficaces et coûteuses. Dans le cadre de la Ville de Val D'or, l'itinérance est apparue comme un problème depuis une décennie, L'itinérance prend le plus souvent le visage d'une itinérance autochtone. Or, l'absence de réponses sociales a contribué à faire de la SQ un des seuls répondants auprès des personnes en situation d'itinérance dans le centre-ville. A partir de données policières, judiciaires, mais aussi ethnographiques, nous montrons l'ampleur du phénomène de la judiciarisation ainsi que les enjeux de profilage qui sont révélés à travers la répression exercée par les policiers à l'endroit des personnes autochtones en situation d'itinérance.

### **Le devenir-jihadiste des jeunes occidentaux à l'ère d'Internet: événements, affects et sens**

Maria Mourani, Université d'Ottawa

Le phénomène des jeunes occidentaux rejoignant des groupes armés à l'étranger n'est pas nouveau. Depuis 2013, le départ de jeunes Européens et Nord-américains, attirés par les conflits en Syrie et en Irak, est devenu un objet de préoccupation et demeure une source de questionnement, en l'occurrence, quant au rôle joué par Internet dans le parcours jihadiste. Si le cyberspace est régulièrement mis à l'index comme un lieu de propagande, de recrutement, de prosélytisme, d'opérationnalisation d'attaques terroristes et de financement, nous en savons peu sur ce qui affecte un jeune par ce médium, voire, comment il s'y transforme. À partir de l'approche rhizomique deleuzienne, qui revient à penser l'humain comme un devenir et de la méthodologique du récit de vie, nous avons tenté de comprendre la germination du devenir-jihadiste chez des jeunes Canadiens, Belges et Français, en nous intéressant plus particulièrement à la coprésence de consultations Internet autour du jihad. Comment émerge ce moment où soudainement l'on perçoit les choses autrement lors de cette rencontre virtuelle, humaine ou non-humaine, qui affecte, fait agir et donne sens à une ligne de fuite ? Il s'agit de mieux comprendre cet événement qui force à penser et ressentir autrement, alors qu'une autre façon de vivre et de sentir s'enveloppe en nous.

### **SURVEILLANCE, CONTROL & REPRESSION**

**FSS 5028**

Chair: Ozgun Topak, York University

### **Private Representations, Public Enforcement: The Use of Private Surveillance Technologies in the Enforcement of Law in Wartime Canada 1942-1947**

Scott Thompson, Queen's University

During the Second World War Conscription policy required that police services across Canada identify and incarcerate all those who failed to report for their ascribed duty in the Army or within Industry. Although this enforcement fell to the police, a lack of detailed personal information, particularly of those seeking to avoid government identification technologies, forced government officials to look elsewhere to identify those who had failed to comply. Drawing on archival records and other surviving documents from the time, this research demonstrates the how individuals were represented and classified within private identification records played a significant role in the capacity of the state to enforce the law, arguing that it was the records, particularly financial institution records, and the personnel of the private sector which enabled the Canadian Criminal Justice system to effectively apply wartime conscription policy.

## **Revisiting the Subject of Surveillance**

Mathew Zaia, University of Windsor

This paper explores and illuminates a different approach to surveillance studies through the actual subject of surveillance, namely the person – an idea that is lacking in contemporary scholarship. Drawing on theoretical surveillance literature that underlines the large-scale level implications of surveillance, along with limited existing literature focusing on the subject of surveillance viewpoints, this paper argues that more attention on the latter is required with a view to the subject's experience of the phenomenon for various reasons. First, existing large-scale, dominant theories of surveillance are dependent on how people experience and interpret surveillance practices to which they are subjected. Second, there is a need to inquire into the alleged inefficiency of surveillance techniques, which requires knowledge of the subject's understandings and sentiments towards surveillance. By focusing on the subject of surveillance, this paper argues that we can fill a generational gap in surveillance research by studying the subject through various neglected media channels (e.g. social and news media) that represent raw data from which people's subjective experiences and interpretations can be inferred. Ultimately, I conclude by arguing that we must integrate – not necessarily exclusively – the importance of *Web 2.0* platforms with surveillance research to better analyze the subject of surveillance, and, in turn, provide a more wholesome understanding of surveillance.

## **Social Problems of Surveillance and Lawful Access: Methodological Perspectives**

Brent Andrew Nellis, University of Ottawa

This article provides a comparative analysis of parliamentary debates on two bills related to government surveillance and lawful access in order to demonstrate how the social problems theory developed by scholars such as Kitsuse, Spector, Ibarra and Best can be used to critically examine how surveillance and cybercrime are represented in the legislative sphere. The first bill, Bill C-46 (2009), was presented as a necessary update to Canada's legal system, while the second, Bill C-13 (2013), coincided with a number of high-profile cyberbullying cases. Although the debates are founded on different grounds and rhetorical strategies, they also share a number of similarities which highlight fundamental issues in the politics of surveillance. This article therefore argues that, while social problems are defined by claims-makers rather than empirical data, the condition-categories, grounds, warrants, rhetorical idioms and rhetorical motifs used to make claims about social problems can also be used to critically analyze representations of surveillance and cybercrime as social problems without negating the subjective experiences of claims-makers.

## **A Need for Deconstruction of the Safe Third Country Concept Applied within the EU-Turkey Statement from March 18th, 2016**

Aleksandrina Radeva, University of Windsor

At its peak in 2015, the European refugee crisis brought international attention to the problems found in the European Asylum System. The so called "safe third country" concept has been primarily used in the context of the Dublin system for the purposes of allocation of asylum seekers and refugees within the European Union (EU). In 2016, this concept was applied in the EU-Turkey Statement, where its usage gained a different meaning and value due to the forced returns of asylum seekers and refugees from the EU to Turkey. The purpose of this paper is to find the meanings beyond the humanitarian face of the safe third country concept as applied within the EU-Turkey Statement from March 18th, 2016. It becomes necessary to reveal the discursive changes—from asylum seekers' and refugees' security in the EU to their security in Turkey. A Foucauldian discourse analysis is used to investigate how the (in)security framework (related to the EU borders, identities and orders) has been applied within the safe third country concept by the EU, and how the (in)security logic influences the wellbeing of those asylum seekers and refugees who are sent to Turkey.

## SEXUAL ASSAULTS AND LAW ENFORCEMENT

### MRT 218

Chair: Evelyn Maeder, Carleton University

#### **The Promise of Digital Evidence in Sexual Assault Trials:**

##### **Representations of Certainty & Mutability**

Alexa Dodge, Carleton University

Danah Boyd posits that “through social media, everyday interactions leave traces” (2014). The traces left by both social media specifically, and digital technologies more generally, are increasingly being taken up as evidence in cases of sexual violence. While the low conviction rate for sexual violence is often justified by the so-called “he-said-she-said” nature of many of these cases, this intersection of sexual violence and digital technology has the potential to challenge this justification. The digital traces that are being utilized as evidence in the criminal justice system may include photographs or video of sexual violence, text messages, emails or social media conversations exchanged before, after or during a sexual assault, and harassment towards the victim on social media. As it becomes increasingly common for cases of sexual violence to include some form of digital evidence, it is necessary to understand how this evidence may challenge or reassert typical understandings of and responses to sexual violence within the criminal justice system. While digital traces can be used as evidence to support a sexual assault conviction, it is also necessary to analyze the ways it can be misread or used against complainants within sexual assault trials. In my proposed presentation I will discuss how digital evidence in sexual assault cases reveals and challenges the certainty of digital evidence and what this means for the sexual assault trial more generally.

#### **“In our line of work there's nothing that's ever gratifying”: Cynicism, Policing, & Sex Crimes**

Dale Spencer, Carleton University

Rose Ricciardelli, Memorial University

Dale Ballucci, University of New Brunswick

Although cynicism, including both its sources and affects, is a widely studied phenomenon among policing scholars, little is known about how police working in sex-crime related units experience, direct, or express cynicism. To respond to this lacuna in knowledge, we conducted 70 semi-structured in-depth interviews and two focus groups with members of police services organizations across Canada working in sex-crime related units. Examining sources of cynicism and the emotional experiences intertwined with particular objects of cynicism, we reveal that officers in these units confront organizational and intra-organizational sources of cynicism, and must cope with rather traumatizing and emotionally draining realities in their investigations. We show that officer cynicism moves beyond offenders into every aspect of their occupations and lived experiences outside of work. Findings are discussed with reference to the changing nature of crime and thus the changing nature of police work.

#### **Disrupting the silence: Examining sexual assault in Canada**

*Irene Shankar, Mount Royal University*

*D. Scharie Tavcer, Mount Royal University*

One in four Canadian women at university has been sexually assaulted at some point in their life (DeKersredy and Kelly, 1993). Sexual assault, at 22 incidents per 1,000 people across Canada, was the only crime for which the victimization rate remained relatively stable since 1999. In 2014, a question was added to the General Social Survey (GSS) to consider sexual assaults in which the victim was not able to consent to sexual activity because, for example, s/he was drugged, intoxicated, manipulated or forced in ways other than physically. This type of sexual assault represented 9% of all sexual assaults reported by Canadians, while forced sexual activity accounted for 20%. The remaining 71% of sexual

assaults involved sexual touching. Without the addition of this new question, the rate of sexual assaults would have been 20 incidents per 1,000 people, still a rate not significantly different from that recorded in 2004 (Perreault, 2015). A Canadian study (Senn et al., 2014) revealed that incidences of sexual assault are particularly high for first and second year university students. For many students, sexual assaults happen within the first eight weeks of school and involve perpetrators known to victims. These statistics, along with a persistent lack of accurate data for sexual assault at Canadian universities and colleges, have led journalists (such as, Dehaas, 2014; Browne, 2014; Neuman, 2014; Rotstein, 2014; Valenti, 2014) and scholars (such as, Bradley et al., 2009; Banyard et al., 2009; Daighle et al., 2009; Moynihan and Banyard, 2008) to critique universities and colleges for their failure to address sexual assault, through responsive policies and protocols. This attention has resulted in some universities constructing sexual assault policies and protocols and engaging in highly visible and public acts to demonstrate their commitment.

This paper considers the ways in which Canadian universities have responded to the public critique. More specifically, using the case study of a Canadian university, this paper critically interrogates the public measures through which universities demonstrate their commitment to eradicating sexual assault on their campus. Using Intersectionality theory, this paper will demonstrate how sexual assault policies and protocols construct student and university interests.

#### **CONTEMPORARY CRIMINOLOGICAL ISSUES IV**

**FSS 2001**

Chair: Menaka Raguparan, Carleton University

#### **Psychiatric Post-anarchism: A Psychiatric post-anarchism: a new direction for insurrection in the mental health system**

Matthew S. Johnston, Carleton University

Rhys Steckle, Carleton University

Thomas Szasz sought to convince the world that the moral and punitive governance of mad people through mental hospitals, surveillance systems, chemical incarceration, and drugs could not exist in its current regulatory form if the legislative powers binding the state and psychiatry were eradicated. We argue that Szasz's version of psychiatric abolition overlooks the problems mental sufferers face when they encounter the criminal justice system. By drawing on the seminal works of Foucault, Žižek, and Newman, and critically assessing the colossal failures of the critical psychiatry movements, we call for psychiatric post-anarchism: a micro-political 'here and now' insurrection that seeks to destabilize the everyday power relations between psychiatric agents and survivors without institutional destruction as the impending goal.

#### **Coercive justice: Mental health courts in a neoliberal society**

Brittany Mario, University of Ottawa

Mental health courts (MHCs) function as therapeutic courtrooms designed to divert individuals who suffer from mental health issues from the justice system to the mental health system as well as to provide necessary social, housing, mentorship, and community programs. Through diversionary tactics, imprisonment is generally avoided and overall stability in the community is sought. This paper will highlight the functioning of the Regina Mental Health Disposition Court to demonstrate that despite therapeutic goals and intentions, the court is embedded within a neoliberal regime of governance and therefore coercion is an ever-present aspect. Coercive practices exist in many of the court's processes, including at sentencing, within release or probation conditions, and through mental health legislation. The court encourages its participants to engage in responsabilization and self-monitoring in order to

promote lifestyle changes and community stability. This form of self-discipline is inherent within a neoliberal society and cannot be avoided in even therapeutic justice processes. Participants of the MHC are subject to neoliberal interventions with the understanding that “deviant behaviour” can be reduced by engaging in an alternative form of justice than seen in regular criminal courtrooms. This paper will argue that although it is fundamentally problematic, coercion appears inevitable and necessary within the Regina MHC. It is through such coercive mechanisms that result from neoliberal governance that this MHC is able to divert mentally ill individuals from the justice system. Justice is sought for each participant of the court through the contradictory practice of therapeutic coercion.

### **“Nowadays in sentencing, the judge pursues not only the legal certainty but considers, also, the social justice system”: Judicial Perspective on the sentencing of minor drug offender in Indonesia**

Cecep Mustafa, University of Stirling

Attempts to bring fairer and justice on drug sentencing, have become an international interest. The judge holds a central role in the sentencing process, because of an international system of judicial discretion, and it is because of this limited discretion that it is important to understand how judges come to their decisions.

To develop this understanding, a total of 31 participants were interviewed. Out of these 31, 27 participants come from the District Courts in Urban and Rural jurisdictions and three Supreme Court judges in Indonesia.

The data illuminated the ways in which judges attempted to influence the judicial process, as well as the significance of class structure on the judicial perception of defendants. The enforcement of the law has been associated with the targeting of people who are of the lower social class. Most of the people charged with breaking this new drugs law are from underprivileged/poorer backgrounds and it seems that the criminal justice system now is targeting people who are more likely to experience poverty. By trying to resist the new law the judges are trying to be just, where this sentencing, led by the heart, shifts understanding of what constitutes fairness to the level of structural equality and involves calls for public health and social welfare approaches aimed at eradicating structural inequality. Certainly, when considering that there are an estimated 4 million Indonesian drug users, addressing their structural inequalities could be a fairer response and, ultimately, would contribute to the very meaning of justice.

### **To Humanize or Criminalize? Media Representation of Heroin Users and Dealers in a Failing War on Drugs**

Kevin Revier, State University of New York at Binghamton

Opioids, namely painkiller pills and heroin, have received a massive amount of media attention over the last several years. This concern is, in large part, justified: there has been a spate of overdoses across the United States. This concern, however, comes at an unprecedented moment in recent war on drug history: there has been bipartisan support for drug decriminalization and for initiatives to combat mass incarceration. These movements are, at least ostensibly, attempts to reverse the injustices from the crack scare and decades-long war on drugs. Does the recent concern over opioids/heroin support or challenge the punitive and oppressive drug rhetoric and policy of the last few decades? This research analyzes reporting on the opioid/heroin epidemic in local upstate New York newspapers. I conclude that users and dealers are differentially represented in the reporting. Users are coded as white and humanized. Contra users, dealers are coded as black and criminalized. Thus, the media portrayal of opioids/heroin as a social problem produces a differential representation of racial groups and, by extension, encourages racially selective law enforcement and policing practices. In turn, the oppressive and unjust aspects of the war on drugs (criminalization, incarceration, policing) are carried over during the current opioid/heroin epidemic, further encouraging a racially segregated system of criminal justice.

## CLOSING KEYNOTE

### **Erasure, Dismissal and Disavowal: Social *Justice* in the Trump Era**

Michelle Brown,  
University of Tennessee Knoxville

In the aftermath of the 2016 US Presidential election, nascent social justice movements have been confronted with remarkable state and popular efforts to undermine their efforts in the unexpected rise of white nationalist power. The Movements for Black Lives, against the North Dakota Access Pipeline, and in pursuit of the Fight for 15, to name a few, have each foundationally challenged structures of violence long hidden in plain sight. Trump, however, and his followers seek to deny, criminalize, and re-appropriate the terms of political struggle in a manner that refutes even as it heightens the manifest violence of contemporary life for the most vulnerable. In the post-truth, alt-fact, gaslighting era, new and old forms of structural, epistemological, and state violence converge in Trump's steady reframing of governance as a police function. This talk explores how these efforts centre upon longstanding forms of epistemic oppression and exploitation in the denial of lived experience and verifiable forms of knowledge. In an effort to mine strategies for resistance, I explore, within and against these formations, the continuing possibility of a moment for movements allied in the vision of a public commons with emancipatory potential.

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