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What Can Political Science Contribute to the Study of Criminal Justice in Canada?¹

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Cette étude présente l'argument que les politologues Canadiens se sont souvent intéressés aux questions criminologiques, mais que leur contribution n'est peu reconnue et qu'il y a place à plus d'échanges entre ces disciplines. Les recherches criminologiques en science politique indiquent que trois axes pourraient être développés. En premier lieu, les politologues ont une position avantageuse pour comprendre comment le processus politique au sens large influence le développement des politiques pénales. En deuxième lieu, les politologues ont les outils disciplinaires nécessaires pour débattre des questions relatives aux limites de l'autorité gouvernementale et du droit des citoyens vis-à-vis de l'État lors du processus légal et pénal. Enfin, les écrits en science politique présentent des perspectives méthodologiques, théoriques, et normatives uniques en matière de justice pénale en comparaison avec d'autres disciplines. Cette étude se conclut avec une discussion de quelques embûches qui peuvent entraver la recherche criminologique par les politologues ainsi que quelques pistes à suivre pour faciliter le développement et l'amélioration des contributions existantes.

Mots clés : politiques pénales, science politique, autorité publique

The article argues that Canadian political scientists have paid more attention to criminal justice than is commonly believed but that there is potential for a much greater contribution. The existing political science literature on criminal justice suggests that three strengths could be built upon by future research. First, political scientists are well positioned to study how the policy process influences the formation of criminal justice policy. Second, political scientists can bring their disciplinary training to bear on questions involving the limits of public authority and the rights of citizens vis-à-vis the state in the context of criminal justice. Finally, the political science literature contains relatively unique methodological, theoretical, and normative perspectives on criminal justice when compared to the literature produced by scholars in other disciplines. The article concludes by outlining some potential impediments to political scientists' paying more heed to criminal justice and also some reasons for optimism that the discipline might build upon its existing contributions.

Keywords: criminal justice policy, political science, public authority

Writing over two-thousand years ago, Plato, one of the forerunners of modern political science, posed important questions about authority, power, accountability, legitimacy, punishment and security, and the rights of citizens vis-à-vis the state, which continue to animate political science today.² Indeed, when he asked "What is justice?", questioned the Athenian emphasis on retributive punishment (while promoting reformative punishment), and addressed concerns over who guards the guardians, Plato focused on concepts and issues that are intimately tied to criminal justice (Allen 2000: ch. 10; Plato 1955). It is somewhat surprising, therefore, to learn that, in the view of some commentators, contemporary Canadian political scientists pay insufficient attention to criminal justice policy and governance issues (Solomon 1981; Smith 1994).

This article suggests that Canadian political scientists have produced more work on criminal justice issues than is commonly believed but that the body of work is still relatively small. Three particular strengths are manifest in the literature and have the potential to be fruitful avenues of future research. First, political scientists are well situated to address the understudied question of how the creation of criminal justice policy is influenced by political and policy-process factors. Second, political scientists are able to provide important insights into the relationships between citizens and the state and among government actors within the state in the context of criminal justice. Lastly, political science research offers theoretical, methodological, and normative perspectives that challenge perspectives endorsed by many criminologists, sociologists, and law professors who study criminal justice.

The political science literature referenced in this article was located primarily using two means: electronic searches of the three leading political science and public policy and administration journals in Canada (*Canadian Journal of Political Science*, *Canadian Public Administration*, and *Canadian Public Policy*) and a call for research assistance sent out over the e-mail listserv of the Canadian Political Science Association. Though it is difficult to define the field of *criminal justice* precisely, this literature review focuses mostly on the core elements of the criminal justice system – the police, the courts, corrections, the justice department, and the public safety department – and on literature dealing with criminal justice policy issues, such as gun control. I reference some criminal justice-related policies, such as policies targeting violence against women, but the emphasis on traditional criminal justice policy areas precludes analysing what are considered to be

more social policies, even if they are addressed in the Criminal Code (assisted suicide, for example). Likewise, while I note contributions by Canadian political scientists to domestic security policy, I do not canvass literature that is oriented to *human security*, more broadly defined (such as genocide).

Finally, I recognize that contrasting the work of political scientists with that of criminologists, sociologists, and law professors is challenging because disciplinary boundaries are not always easily compartmentalized. For instance, in the discussion below, I note examples of individuals who have written on criminal justice issues in Canada who hold PhDs in political science but teach in criminology or law. I believe, nevertheless, that the disciplinary distinctions are clear enough that useful comparisons can be made between them. This comparison begins by arguing that political scientists, by virtue of their expertise in the mechanics of government, can help to illuminate how the process of policy-making influences criminal justice policy.

Policy processes and policy development

In the early 1980s, in building upon an article by the criminologist Denis Szabo, political scientist Peter Solomon (1981) encouraged scholars to analyse how the policy process itself contributed to shaping criminal justice policies. Solomon argues that attention should be paid to the interaction of the public, politicians, and professionals in different phases of the policy cycle: agenda setting, decision making, implementation, and evaluation. Unfortunately, political scientists tended not to heed his call.³ For the most part, neither did sociologists, criminologists, or law professors (though see Rock 1986; Hal, Caputo, and Perry 1992; Petrunik 2003; Campbell 2000; Stenning 1999; Webster and Doob 2007).

Although there are exceptions, by and large policy-related criminology literature either is written at a rather high level of abstraction, using concepts such as *neo-liberalism* or *governmentality* to explain policy development or has a micro-level focus on evaluating the effects of policies rather than exploring their creation. This dynamic is illustrated in the exchange between Hogeveen (2005) and Doob and Sprott (2006) over the Youth Criminal Justice Act (YCJA). In response to Hogeveen's (2005: 73) assertion that the construction of the "discursive category" of the "punishable young offender" resulted in calls for "a new ethic of punishment" to protect the public from the risks of youth crime, an

ethic that led to the creation of the punitive YCJA, Doob and Sprott (2006) point out that neither the words of the legislation nor its results in terms of levels of youth incarceration bear out his thesis. Although both sets of authors describe some of the policy dynamics at work in the creation of the YCJA, such as opposition from Quebec to a punitive model of youth justice, neither side aims to present a rigorous mid-range analysis of how the institutions or actors within the policy process itself contribute to the policy change in youth justice.

The kind of mid-range analysis that is often lacking in studies of criminal justice policy has been provided by political scientists in other policy areas, using institution-based approaches. Before discussing some examples of how such approaches have been fruitfully applied to Canadian criminal justice issues, I provide a brief overview of institutionalist theory. Generally, the *new institutionalist* framework highlights the three key roles that institutions play in the policy process: First, state actors can have their own independent agendas and sources of power; second, institutions are sets of rules (such as electoral rules, constitutional rules, and so on) that can influence strategies and privilege some actors over others; and lastly, institutions can shape preferences and discourse within the process (Peters 2005).⁴ By recognizing that policy outcomes are contingent upon actors (e.g., politicians, bureaucrats, judges, interest groups) working through and within institutional constraints and opportunities, the new institutionalism emphasizes the importance of politics. This contrasts with explanations offered by such theories as neo-Marxism, political culture, or rational choice, which are considered to be too general, overly deterministic, or unable to predict real-world results.

Some relatively recent contributions by political scientists to criminal justice-related issues, using mid-range approaches that highlight the role of politics and institutional dynamics, illustrate the potential for the discipline to provide insights into criminal justice policy development. Leslie Pal (2000), for example, argues that institutional differences between Canada's parliamentary system of government and the U.S. presidential system are important for explaining differences in gun policies between the two countries. Pal (2000) notes that public attitudes to gun control are closer than expected between the two countries, so public opinion does not explain the policy differences between the countries. He also points out that both Canada and the United States have relatively strong organized interests that oppose gun control; however, in the United States these organized interests are able to scuttle or weaken gun control proposals in Congress by

bringing pressure to bear on individual legislators. Each of these legislators has more influence over the legislative process than do members of parliament in a parliamentary democracy because power is more diffused in the U.S. system and there is relatively weak party discipline. In Canada, the Montreal Massacre opened a window for Justice Minister Alan Rock to push for his preferred policy of tighter gun regulations, including a gun registry. Rock was able to pass relatively strong gun legislation because the Liberals had a majority and, in the context of Canada's executive-dominated system of parliamentary government, party discipline was maintained, despite strong opposition from organized interests and serious concerns within the Liberal caucus.⁵

Another example of a mid-range, institution-based explanation for policy outcomes can be found in the work of Janet Hiebert (2002), who studied the effects of the Charter of Rights and judicial review on a number of policy areas. These included the criminalization of tobacco advertising, the creation of a DNA database, warrantless arrests by police, and rules concerning evidence and defences in sexual assault trials.⁶ Hiebert (2002) reports that the Supreme Court ruled that the DNA database was constitutional, but in other cases, the Court deemed that government policy or existing common law rules violated the Charter. In *Seaboyer* (1991), for example, a narrow majority of the Court ruled that limits in the Criminal Code on invoking the sexual history of a complainant in sexual assault trials were unduly restrictive and could jeopardize the ability of the accused to receive a fair trial.⁷ Responding to the decision and to lobbying by women's groups following the decision, Parliament amended the Criminal Code to allow for more flexibility in the types of evidence that could be introduced by the defence (as suggested by the majority in the *Seaboyer* decision) but also tightened the rules about what constituted "consent" in sexual assault cases.

Hiebert (2002) concludes that the institutional change introduced in 1982 with the entrenchment of the Charter of Rights has had considerable impact on policy formation, not only because courts were given the power to declare laws and the actions of state officials (such as the police) to be unconstitutional, but because lawyers within the Justice Department look to past judicial decisions in order to ascertain the risk of new policies' being struck down under the Charter. For instance, in the case of the DNA databank, some parliamentarians argued that, when crafting the DNA databank legislation, the government and its bureaucratic advisors had been too cautious about anti-

cipating how the Court might rule. According to Hiebert (2002), the introduction of the Charter also contributed to more use of rights discourse in the policy process.

The institutionalist approach employed by Pal (2000) and Hiebert (2002) – explaining that policy results are contingent upon the activities of actors working within institutions – has been criticized for shading into thick description, but it makes up for lack of parsimony by providing an arguably more realistic account of policy creation than do explanations offered by other theories. As noted below, however, political scientists can do more than just explain policy creation – they can use their disciplinary training to address how public authority is exercised (and limited), a question that can be particularly problematic in the field of criminal justice.

Public authority and accountability

Political scientists have long been interested in questions of power, the relationship between citizens and the state, and checks and balances within a liberal democratic state. These questions have both empirical dimensions (who has power, and what are the relationships within the state and between the state and citizens) as well as normative dimensions (how should power be distributed and what rights should citizens enjoy). For example, after probing the dynamics between Parliament and the Court in her case studies, Hiebert (2002) argues that both institutions should share responsibility for making principled decisions about interpreting and applying the rights enunciated in the Charter. While the judiciary's removal from the electoral sphere is useful in helping judges make principled decisions, elected politicians in Parliament can also play a valuable role in carefully thinking about the role of the state and about how to balance various rights (which are expressed in vague terms in the Charter) and social interests. This was demonstrated in the way that Parliament, in response to Court decisions, adjusted the balance between the right of the accused to a fair trial and the equality and privacy rights of victims in sexual assault cases. However, Hiebert (2002) also argues that the legislative process in Parliament needs to be reformed to give more power and direction to legislative committees to contemplate rights issues carefully when scrutinizing bills.⁸ Hiebert's (2002) examination of the relationship between courts and legislatures and, more generally, decision-making processes and mechanisms of accountability in a liberal democracy, distinguishes her approach from those criminology

analyses that note the impact of the Charter on policy formation but do not really explore its more normative, political dimensions (Petrunik 2003; Trépanier 2004).

Unfortunately, while Hiebert (2002) and other scholars interested in law and the courts have addressed issues of justice, rights, accountability, and governance in criminal justice in Canada and comparatively,⁹ either directly or as a by-product of studying the judiciary more generally,¹⁰ almost no consideration has been given to governing prisons (see McElligott 2008) and only limited attention has been given to policing. This surprised David Smith (1994) when he was asked to write a chapter for the book *Police Power in Canada* because he considered policing to be bound up with key political questions and concepts: "Policing in Canada embraces some of the great issues of politics: federalism, accountability and representation; at the same time, it is relevant to analyses of political culture, political socialization and political stability ..." (1994: 203). Likewise, Wiseman (2000: 125) notes, "[T]he police and the relations between them and the political class are almost wholly absent from the standard textbooks in Canadian politics and public administration, as though this were not an issue."

What political science research exists on the subject, however, reveals that the discipline can make a meaningful contribution to the field. For example, Lorne Sossin (2007) – a law professor who has a PhD in political science – wrote an article on police governance for the Ipperwash Inquiry,¹¹ which one reviewer lauded as one of the strongest articles in a book on policing published from the inquiry (see review by Melchers 2009). Sossin (2007) argues that the record shows that it is unrealistic and not beneficial for police to be completely non-political or completely independent, so he calls for a system of "apolitical" (but non-partisan) and "autonomous" (but not fully independent) policing.

The relationship between the police and government has also been effectively studied by political scientists, notably Reg Whitaker and Peter Russell, in the context of security intelligence. Prior to starting his work as research director for the Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police (McDonald Commission), Russell (1978: 17) outlined the key dilemma in governing security intelligence in a liberal democracy with parliamentary government: the need for "a government whose activities are directed by Ministers and officials responsible to elected representatives and

whose policies are open to informed public discussion” and the contradictory need for security intelligence to be undertaken with “a great deal of secrecy.” Russell (1978) also highlighted the need to ensure that a security service was not used for partisan advantage. Despite his not being wholly satisfied with the policy changes that flowed from the McDonald Commission, Russell’s work as research director for the commission was instrumental in the creation of the Canadian Security and Intelligence Service (CSIS) along with an external oversight mechanism for CSIS (SIRC) (Whitaker 1999).

In addition to providing insight into traditional questions involving the police and the state, such as those explored by the McDonald Commission or the Ipperwash Inquiry, political scientists have been able to make a relatively unique contribution to police studies (in Canada and comparatively) by analysing police independence and accountability in the context of research questions that are more common to political science than to criminology or legal studies. Such research includes the relationship between policing and democratic development (Bonner 2009; Harysmiw 2003), the effects of changes in public administration practices (towards the “new public management”) on the government-police nexus (Dupont 2005), the links between the development of modern democratic states (Canada, the United States, and the United Kingdom) and models of policing (McDougall 1988), and the question of whether the interaction between the police and certain groups in the community can contribute to substantive citizenship for marginalized groups by preventing hate crimes (Field 2005).

Field’s (2005) study of hate crimes, including police responses to them, has a postmodernist analytical bent (she uses Gramsci’s theory of hegemony), which would not be uncommon in criminology but does set her study apart from the political science literature reviewed earlier in this article.

Methodological, theoretical, and normative perspectives

Most of the research by political scientists referred to earlier relies on mid-range theoretical or analytical approaches. A corollary of this theoretical orientation is that the conclusions offered in such studies are typically driven by empirical evidence. In the eyes of political scientist Peter Russell (1984: 277–293), such evidence is lacking in a body of criminological research that uses what he labels the theory of *controlology*. Russell’s (1984) main critique of this literature is that

conclusions are seemingly developed prior to an examination of the data. Drawing on Richard Ericson's (1982) study of police (*Reproducing Order*) to illustrate his argument, Russell (1984) acknowledges that such work is valuable to the extent that it highlights the fact that the actions of police and the criminal justice system potentially have political implications.¹² Russell (1984) claims, nevertheless, that evidence that supports the theory is emphasized (e.g., police stops to question young people whose dress and behaviour indicate a "departure from middle-class respectability" [Richard Ericson; qtd. in Russell 1984: 280]), while evidence to the contrary is downplayed (e.g., the many times police simply respond to requests for help).

Arguably, while not free of the influence of theory, much of the research conducted by political scientists studying criminal justice issues would be less vulnerable to the type of criticism levelled by Russell (1984) because their research questions and explanations tend to have a practical, empirically driven orientation. A recent article by Cheryl Collier (2008) on how to explain provincial policies designed to prevent violence against women offers another illustration of the kind of mid-range and empirically based research that is prevalent in the political science literature on criminal justice issues. Tracing policy positions on such matters as shelters and police directives as well as expenditures in BC and Ontario from 1985 to 2005, Collier (2008) argues that, contrary to the claims of some feminist scholars, neo-liberalism had less of an effect on policies of particular concern to women than did the partisan ideology of provincial governments. Even taking into account periods of budget retrenchment (a sign of neo-liberalism), Collier's (2008) study suggests that left-wing governments generally were more supportive of anti-violence programs and somewhat less prone to use gender-neutral policy frameworks (e.g., *domestic violence* rather than *violence against women*) than were right-wing governments.¹³

The kind of research found in Collier's (2008) article is not limited to explaining policy outcomes – it can also provide a foundation for analysing patterns of authority and accountability within criminal justice. This is shown in Hiebert's (2002) study of the relationship between courts and legislatures discussed above. Another example comes from Benoît Dupont (2006), who holds a PhD in political science and teaches at the School of Criminology at the Université de Montréal. Using an organizational fields approach, he analyses the implications for democracy of changes in the governance of security (with public, private, and various hybrid actors). Dupont (2006: 87) argues that

insufficient attention had been given to “the nature of the power struggles engaged in by various institutions involved in the authorization and delivery of security.”

In addition to offering research approaches to criminal justice issues that may be less prevalent among sociologists, criminologists, and law professors, political scientists can also be useful by challenging normative perspectives within the field and offering perspectives that are not commonly expressed in the literature. For example, Russell (1984) argues that the controlology theory of some criminologists fails to consider that many people want a certain degree of social order and control so that they can enjoy their lives and property in peace. Moreover, according to Russell (1984), the pessimism exhibited by these scholars seems to preclude meaningful reforms within the current liberal democratic system. Although many sociologists and criminologists would share Russell's (1984) desire for liberal reforms within the current system, few if any sociologists or criminologists share the conservative perspective on criminal justice matters held by some Canadian political scientists, such as F.L. Morton or Christopher Manfredi. For example, it is not surprising that the federal government hired a political scientist (Manfredi), rather than a criminologist, as an expert witness in a Charter of Rights case, to defend the law banning some prisoners from voting.¹⁴ After noting that most conservative criminological perspectives come from political scientists, Francis Cullen and Robert Agnew (2006: 453), in a leading U.S. text on criminological theory, argue that, even if one does not agree with their conclusions, conservative scholars should be treated seriously, for they sometimes “illuminate ways in which more liberal criminologists have been sloppy, if not incorrect, in their thinking.”¹⁵

Conclusions

The potential for Canadian political scientists to offer analytical and normative perspectives that run counter to prevailing perspectives in criminology (or law) and the potential for political scientists to use their training to add to our understanding in two substantive areas – the impact of the policy process on criminal justice policy and the exercise of public authority – suggests that political scientists can make a meaningful contribution to the study of criminal justice in Canada.

Further realizing this potential will not be easy, however. With a dearth of political scientists making criminal justice studies a priority,

it will be difficult to train graduate students in the field. And, until more political science departments show an interest in criminal justice or criminology departments show an interest in political scientists, graduate students in political science may not want to study a subfield in which job prospects may be sparse.

Exacerbating this problem is the propensity of Canadian political scientists not to give provincial and local politics the consideration that they deserve. Although the federal government has constitutional jurisdiction to set criminal justice policy, provincial governments can help shape federal policy, and they also can develop policies related to criminal justice (anti-violence policies, sex offender registries, criminal forfeiture laws, victims rights, and so on); moreover, both provinces and cities play important roles in the implementation of criminal justice. The question of how federalism affects criminal justice policy in Canada is ripe for study by political scientists and would fit well with the institutionally focused analyses discussed earlier.

Furthermore, although it has been noted that one of the potential virtues of the political science literature in criminal justice is its empirical nature, often the data collection efforts are not as ambitious as they could be. Article-length studies based on one or two jurisdictions, a limited number of interviews, or select content analyses of documents are useful bases for analysis, but political scientists must be more willing to go through the often painstaking process of collecting data in the field of criminal justice. It is a shame, for example, that there is scarcely a single political science study of the real-world impact of Supreme Court Charter decisions on criminal justice, even though studies by U.S. political scientists have uncovered fascinating results about the degree to which judicial decisions are implemented by various criminal justice agencies (see Canon and Johnson 1998: ch. 3; Feeley and Rubin 1998; Gould and Mastrofski 2004).

However, one need not be overly pessimistic. As noted above, a group of Canadian political scientists remain committed to studying law and the courts in Canada and comparatively – while criminal justice is not the sole focus of these scholars, their research often implicates criminal justice issues. Moreover, although the issues that drive some of the studies of criminal justice by U.S. political scientists, such as race or the politicization of criminal justice issues by Republican administrations (see, e.g., Peffley and Hurwitz 1997; Davis and Silver 2004; Simon 2007), may not be as prevalent in Canada, this could be changing. More attention is being given to the plight of Aborigines and other

racial groups in criminal justice; high profile inquiries, such as the Ipperwash Inquiry, into policing and other criminal justice matters are spotlighting the political dimensions of the field; and law-and-order policies are central to the agenda of Conservative Prime Minister Stephen Harper. Indeed, two recent Canadian political science textbooks do include some discussion of criminal justice issues (see Jackson and Jackson 2010: ch. 9; Guy 2010: ch. 8). Also, given that political science has long been concerned with both intra- and inter-state security issues, as the distinction between criminal justice and security becomes further blurred in the wake of anti-terrorism initiatives and responses to intra-state conflict (such as the establishment of truth commissions), Canadian political scientists are well positioned to offer important analytical insights in this area (see, e.g., Lennox 2007; Chinapen and Vernon 2006).

I conclude by noting that the production of a certain amount of scholarship, together with progress towards the integration of political science departments into criminal justice programs (such as the Criminal Justice and Public Policy program at the University of Guelph, jointly run by the Department of Political Science and the Department of Sociology and Anthropology) may lead to a tipping point, where political science studies of criminal justice issues are no longer anomalies.¹⁶ They may also lead to collaboration between political scientists and sociologists/criminologists in studying criminal justice issues. Both criminal justice studies and political science in Canada will be richer if that happens.

Notes

- 1 I would like to thank Manjit Pabla for his research assistance and Carolyn Yule for her helpful feedback. I would also like to thank the anonymous reviewers for their comments and the editors of this edition of the journal, particularly Paul Paré for providing a French-language abstract.
- 2 For an interesting analysis of the "politics of punishing in democratic Athens," including Plato's thoughts on punishment, see Allen (2000).
- 3 Solomon (1983) himself produced a book of case studies that resulted from work with the federal Solicitor-General's Department. Reg Whitaker (1991; 1992) wrote about the politics of security policy. Patrick J. Smith (2000) wrote a book entitled *Law, Politics and the Administration of Justice*. However, the case studies in the book (public sector ethics, ombuds office, access to information, Canadian security intelligence service, right to

life/right to die, and aboriginal peoples and justice) are mostly outside the core concerns of criminal justice. More recently, Karim Ismaili (2006), who has a PhD in political science but is now Chair of the Department of Criminal Justice and Criminology at Ryerson, wrote about the policy-making process in the context of criminal justice in the United States.

- 4 Solomon (1981) preferred grouping actors based on their roles in the system (e.g., public, politicians, and professionals) to an institutional grouping, but he did acknowledge that the evidence suggests that there is a lack of cohesion within the professional group owing to their organizational/institutional differences (i.e. there was conflict between police, judges, Crowns, defence counsel, and bureaucrats owing to their different organizational allegiances). Solomon's neo-pluralist approach therefore contained elements of the "new institutionalism."
- 5 For a more in-depth review of gun control policy development in Canada by a political scientist, see Bottomley (2004).
- 6 Hiebert's (2002) case studies do not focus exclusively on criminal justice issues, but they do form the bulk of the studies.
- 7 The Court unanimously upheld the Criminal Code provision that prohibited references to general sexual reputation of the complainant.
- 8 Hiebert (2002) argues that parliamentary bodies should deeply analyse the normative and policy implications of rights and social interests and not simply conduct a "risk analysis" focused on how the courts may respond to a law based on legal precedent.
- 9 *Comparatively* is used in political science to mean one of two things or sometimes both. One meaning is to study political issues outside of Canada. The other meaning is to use the *comparative method* to study politics (studying various countries/jurisdictions to compare and contrast them in order to discern patterns, provide explanations, etc.) I used the term in both senses: to study criminal justice outside of Canada and to compare and contrast criminal justice politics in various jurisdictions.
- 10 For some examples, see Greene, Baar, McCormick, Szablowski, and Thomas 1998; Baar 2000; 2002; Hiebert 2002; Kelly 2005; Knopff and Morton 1992; Manfredi 2001; Solomon 1987, 2005; Russell 1984; 2007; and Hausegger, Hennigar, and Riddell 2009.
- 11 The Ipperwash Inquiry investigated the shooting death of an Aboriginal protester by an Ontario Provincial Police (OPP) office at Ipperwash Pro-

vincial Park in September 1995. Since concerns were raised that there had been political interference with police operations at Ipperwash, a major focus of the inquiry was the nature of the relationship between police and government.

- 12 In some of the more recent controlology literature (to use Russell's [1984] term), less theoretical emphasis is placed on controlling deviance and more emphasis is placed on the control of risk. See, e.g., Ericson and Haggerty (1997).
- 13 Collier (2008) points out, though, that there were variations within this general pattern. For example, the Harris Conservatives in Ontario increased spending on anti-violence initiatives against women in 2000, though the initiatives were often explained by a law-and-order framework.
- 14 Manfredi's (2001) argument that the law served to enhance civic responsibility and respect for the rule of law was referred to by the dissenting judges, who voted to uphold the law (*Sauvé* at para. 153, 182).
- 15 Of course, relatively unique normative perspectives do not have to locate themselves along a left-right continuum. For example, Hiebert's (2002) desire to have elected politicians play an equal role in interpreting rights sets her apart from many legal scholars who prefer courts to have the final say (Weinrib 1999; Roach 2001; Hogg, Bushell, and Wright 2007). Or again, Carl Baar's (2000) warnings about some of the potential difficulties with specialized (drug treatment) courts are offered in the midst of relative enthusiasm for such courts.
- 16 In addition to the Guelph example, political scientists Peter Solomon and Matthew Light teach courses on criminal justice at the Centre of Criminology at the University of Toronto.

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