Reflections and Intentions: Critical Criminology in Canada

Being asked to provide closing remarks for a collection of essays authored by respected colleagues for my alma mater seemed a daunting task, but it has proved an opportunity to reflect on how the discipline of criminology has changed and where it might be headed. Since leaving the graduate program in 1994, I have watched the faculty and students at the Department of Criminology at the University of Ottawa confront hard questions about the political economy of punishment; the paradoxes of criminal justice reforms; the decriminalization of sex trade work and the politics of legal moralism; and, by making space for incarcerated voices in their research and for former prisoners in their classrooms, the ethics of inclusion.

During my undergraduate and graduate studies at the University of Ottawa over two decades ago, Anglophone criminology and Canadian criminal justice looked very different from what we see today. The criminology curriculum in the late 1980s was framed by correctional behaviouralism, the ascendancy of victims’ rights, and debates over neoclassical sentencing regimes. But all that was challenged in the wake of tragic and troubling events, such as reports of physical and sexual abuse of youth confined to training schools across Ontario; suicides of nine Indigenous women inside the Prison for Women in Kingston, Ontario; the rise of some victims’ rights groups seeking a national referendum on capital punishment; and a mass shooting of eleven women at the École Polytechnique, in what was to be called the Montreal Massacre. By the early 1990s, the Canadian state took up militarized arms against Mohawk peoples of Oka, Quebec; suspended a woman’s right to privacy in defence of a man’s right to due process when charged with sexual assault; and decriminalized, but did not legalize, abortion.
Also during this time, feminist academics, former women prisoners, and equality-seeking groups worked together to form the first national task force dedicated to the study and reform of the federal Prison for Women. In 1990, the federal government accepted the recommendations of the task force report, *Creating Choices* (Phelps and Diamond 1990). The report called for a women-centred correctional model grounded in a trauma-centred understanding of women’s criminal offending and espoused principles of empowerment through meaningful choices and community involvement. The Prison for Women was slated for closure and five new regional prisons, as well as an Aboriginal Healing Lodge, were proposed in its place. In 1994—three years after Correctional Service Canada’s (CSC’s) acceptance of the proposed reforms to the federal imprisonment of women—an all-male riot-response team strip-searched seven women and confined them in segregation, and shipped others, without their consent, to psychiatric hospitals or men’s penitentiaries, without access to lawyers. Madame Justice Arbour “castigated CSC for its deplorable defensive culture and showed in forensic detail how CSC chose to disregard the Rule of Law whenever it suited its purposes and had a disturbing lack of commitment to ideals of justice” (Arbour 1996, 139). The words of the Arbour Report echo today in the continuing inquiries into the illegal uses of segregation. In most cases Indigenous people and those struggling with mental illness are placed in isolation: Adam Capay was “discovered” undocumented in segregation cells after 1,636 days in isolation; Daniel Wolfe died of a heart attack after 600 days in segregation, and Edward Snowshoe died by suicide after 162 days in the hole. Christine Jahn was held in segregation for 210 days and denied access to medical care despite having late-stage cancer and mental-health needs; Kinew James—an Indigenous woman with schizophrenia—spent six years of a fifteen-year sentence in segregation due to self-harm and lashing out at staff. She eventually died of a heart attack in a cell despite calls for help. Ashley Smith whose death was ruled a homicide, died after 1,047 days in segregation where she experienced physical and psychological harm by staff.

Since the 1990s, critical criminologists in the United Kingdom and Europe have documented the deeper connections between these abuses of police and carceral power, to the ascendancy of neoliberalism. As the statecraft of mass incarceration in United States ramped up and imposed the new Jim Crow regime (Alexander 2010;
Gottschalk 2015), Canadian prisons were less critically examined by criminologists and continued to be imagined as spaces of progressive reforms. Today, the tracking of government expenditures on police and prison expansion remains mired in access-to-information request processes (Piché 2011), and critical scholars are routinely denied access to prisons or face close scrutiny of their research methodologies (Balfour and Martel 2018; Martel 2006). Federal prisons shuttered due to crumbling infrastructure have become monetized as tourist destinations or condominium development sites rather than as memorials to those who have died in prison. But more importantly, as Justin Piché and colleagues argue (see chapter 2 of this volume), these museums retrench the patriotic nationalism of policing (and prisons) and obfuscate the crisis of law enforcement’s legitimacy—revealed in class-action lawsuits for sexual harassment, unlawful civilian arrests, and the deaths of unarmed civilians.

Policing and technology—a sub-field of critical criminology—has been inspired by the US Black Lives Matter movement, and given urgency by the police shootings of Indigenous and distressed young people in Canada. In work presented at the conference celebrating the 50th anniversary of the criminology program at the University of Ottawa (not included in the present volume), Nevena Aksin, Michael Kempa, and Anne-Marie Singh explored the fetishization of technology by way of the body-worn camera in contemporary law enforcements, which is almost a surreal form of community policing predominant in the 1980s. Rather than the police officer becoming part of the community, donned technology has become part of the policing “body” that renders us more visible to police.—just as artificial intelligence, Big Data, and machine learning (the use of algorithms to calculate risk) are framing Canadian Border Services Agency decision-making at our borders. Big data is also being used by critical criminologists in the United States to code racial bias in policing-incident report data. Yet the racialized and classed application of technology onto Brown and Black bodies, and onto Indigenous bodies, must be in the forefront of our critical scholarship on technology in policing: Who is it used against and why? Big data and technology need to be harnessed to resist and subvert state power, in order to expose its tactics of surveillance. So do critical criminologists need to be coders in the twenty-first century? Perhaps. But certainly, as Maritza Felices-Luna and Anouk Guiné (see chapter 3 of this volume) portrayed in their descriptions of engaging with various political actors amidst...
armed civil conflict in Peru, critical scholars must be brave and risk censorship.

Beyond the technology of public policing, Christopher Greco and Patrice Corriveau (see chapter 9 of this volume) expose the implications of privately owned technology as a site of the commodification of safety. Digital capital (i.e., internet service providers) seeks to protect its market interests—its profits—by resisting state regulation intended to protect children from online sexual predators. Their work echoes that of Erica Meiner (2016) in her book *For the Children? Innocence and the Carceral State* where she documents the rise of sex offender registries that enable lifelong surveillance of men after imprisonment. Whereas Meiner argues these registries are legitimated through ideologies of childhood and innocence, in the Canadian context “economically ‘worthless’ but emotionally ‘priceless’” (Zelizer 1981: 1037, cited in Greco and Corriveau) children are less valuable than market interests of internet service providers. Unlike in the United States, where carceralism expands in the service of child protection, in Canada carceralism recedes in the service of profit.

At the provincial level, in Canada, prisons have become “super jails” designed by multinational corporations, and unionized correctional officers organize to protect their jobs and themselves from shackled prisoners wracked by addiction, mental illness, and trauma. In the Ottawa region, critical criminologists and their students are working together to stop the construction of a new super-jail to replace the Ottawa-Carleton Detention Centre, calling instead for affordable housing and access to drug and mental health care in the community. We are confronting our own prison industry complex that creates middle-class jobs for a generation of young precarious workers who see employment at prisons as job security. The future of a critical criminology must engage in labour politics and scholarship to understand the legitimation of punishment as work. Embedded in these intersecting fields of prison and labour studies is the impact of carceral feminism.

Carceral feminist influences from the United States took hold of policy reforms and deepened the power of the state to discipline and punish in the name of gender responsive corrections (Bernstein 2012). However—as authors Tuulia Law, Brittany Mario, and Chris Bruckert remind us (see chapter 8 of this volume)—carceral feminism, or governance feminism, in Canada is embedded into criminal justice policies and practices far beyond the prison. More aligned with legal
moralism, carceral feminism brands sex trade workers as unruly bodies. Feminist scholars are now divided into prostitution abolitionists versus those who are allies with sex-working women. Despite the initial victory of *R v Bedford* that resulted in the striking down of Canada’s prostitution-related offences as unconstitutional, the critical debate among feminists has become factionalized and returned us to the good girls/bad girls debates of the 1980s. In my view, this is happening at a more dangerous time. The slaughter of Indigenous girls and women, many of whom were involved in street-level sex work, compels us all to act; such violence cannot be stopped through the expansion of the carceral state. To aim to abolish prostitution like we aim to abolish prisons is not the same struggle.

The question remains: How do we call attention to prison conditions and demand the end of prisons, and maintain a human connection to those confined? This continues to challenge critical criminologists. By studying the prison are we reifying it? Are we eroticizing the prison rather than decentring it? Is being a critical criminologist enough or, rather, the same as being an abolitionist? Are we exploiting former prisoners by wanting evidence of the pains of their imprisonment? Walls to Bridges is a prison-based pedagogical practice that brings university classrooms into prisons and welcomes incarcerated students. As discussed by Jennifer Kilty, Sandra Lehalle, and Rachel Fayter (see chapter 4 of this volume), the effect has been to overcome stereotypes and stigma, and to foster community collectives of former prisoners as alumni and their allies on campuses. By teaching within the prison, are we softening its rough edges? Criminologists walk a fine line between breaking down barriers to recognize “we are all one; no one is the other,” yet do so within the confines of prison authority and the resource restraints of post-secondary institutions.

As we move forward with research as critical criminologists we should be mindful of how our thinking is limited by our subject matter. As David Moffette and Anna Pratt (see chapter 1 of this volume) assert: “criminologists need to move beyond a focus on crime, criminal law, and the nation-state.” Moreover, they argue scholarship struggles to overcome “methodological nationalism” and that decentring criminal law and national institutional frameworks is necessary to “make sense of the multi-scalar, multi-actor, and multi-jurisdictional socio-legal regulation of people and things in many contexts today.” This seems to suggest to me that indeed we need to move
beyond criminology and its conceptual and methodological borders. Yet the border is not easily removed from our conceptualization of struggle and harm; Baljit Nagra and Jeffrey Monaghan (see chapter 7 of this volume) lay bare the significance of national borders as a justification for racialized domestic anti-terrorism initiatives against Muslim communities. I would say histories of othering are a constant feature of Canadian nationalism.

Critical criminology can no longer be a criminology of inward-looking reform. Instead, we have a responsibility to hold power to account through abolitionist methodologies (e.g., employing former prisoners in our places of work, publishing the writings of the incarcerated, using our academic freedom when it matters—on Parliament Hill or in our municipal elections). Reclaiming the material consequences of policing and imprisonment is a necessary step forward. I would also say we must recognize, as Loic Wacquant (2014, 17) puts it, “the global firestorm of law and order inspired by the United States that has raged far and wide, even as it [takes] different paths and forms in the different countries it [strikes].” Like never before in criminology, we are challenged to conceptualize borders, citizenship, the movement of bodies, and the complexity of governance through shadow states and visceral state violence.

Where are we headed? I think a criminology of liberal reform is behind us. The discipline ahead may be one that is shaped by anticarceral feminism; borders and bodies; abolition and decarceration; labour studies; society; and technology. I am not so sure, however, if this is criminology.

Bibliography


**Cases**

*R v Bedford*, 2013 SCC 72.
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